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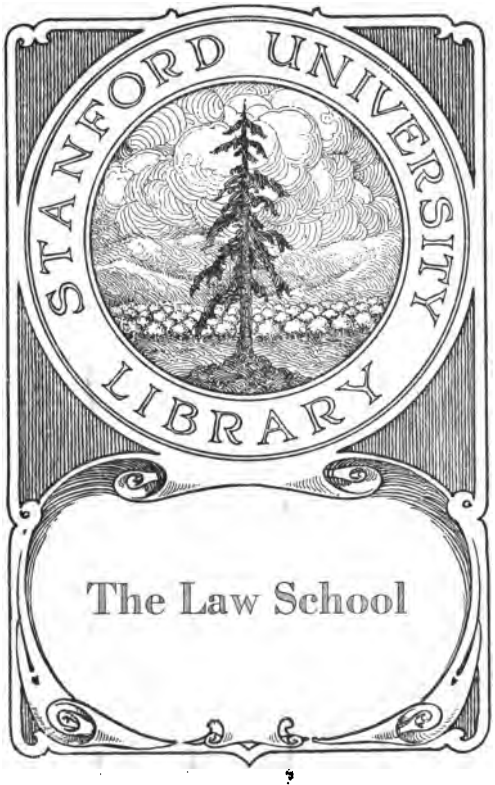
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GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-SIXTH GENERAL ASSEMBLY,

OF THE

STATE OF OHIO,

AT ITS FIRST SESSION

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 4, 1864,

AND

IN THE SIXTY-SECOND YEAR OF SAID STATE.

VOLUME LXI.

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GENERAL LAWS.

AN ACT

Making partial appropriations of the general revenue for the year 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money that may be in the treasury belonging to the general revenue:

For stationery and binding, including printing paper and articles necessary for the general assembly, fifteen thousand dollars. — Stationery, binding, printing paper, etc.

For the payment of the per diem of the lieutenant-governor, as president of the senate, and the members of the general assembly, and mileage, their clerks, assistant clerks, sergeants-at-arms, and assistant sergeants-at-arms, and messengers, thirty thousand dollars. — Members, clerks, officers, of general assembly.

For the payment of clerks in the office of the adjutant-general, fifteen hundred dollars. — Clerks of adj.-general.

For the payment of clerks in the office of the treasurer of state, one thousand dollars. — Clerks of treas. state.

For the payment of clerks in the office of the auditor of state, one thousand dollars. — Clerks of auditor state.

For the payment of clerks in the office of the secretary of state, one thousand dollars. — Clerks of sec'y state.

For the payment of clerks in the office of the comptroller, one thousand dollars. — Clerks of comptroller.

For the payment of the messenger of the supreme court, one hundred dollars. — Messenger supreme court.

For provision, and necessary current expenses of the northern lunatic asylum, three thousand dollars. — Northern lunatic asylum.

For provision, and necessary current expenses of the southern lunatic asylum, three thousand dollars. — Southern lunatic asylum.

For the payment of expenses for furniture for the rooms appropriated in the state house for the use of the governor and adjutant-general, fifteen hundred dollars, to be paid on the order of the governor. — Furniture of rooms, governor and adj.-general.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

January 15, 1864.

AN ACT

Concerning clerks of courts, and prescribing their powers in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That clerks of courts of this state shall have power to administer all oaths or affirmations required or authorized by law to be administered in this state; to take and certify to acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments of writing. — Oaths; acknowledgm'ts of deeds, etc.

Repeal.

SEC. 2. That an act entitled "an act in relation to the clerks of courts," passed February 26, 1846, be and the same is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

January 29, 1864.

AN ACT

To change the time fixed for holding the summer term of the court of common pleas in the county of Delaware, for the year A. D. 1864.

Court common pleas, Delaware county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the sixth judicial district of the state of Ohio, for holding the second or summer term of the court of common pleas in the county of Delaware, be changed, and that said term be held in said county on the 16th day of May, 1864.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

January 30, 1864.

AN ACT

To fix the times of holding the court of common pleas in the county of Belmont, for the year 1864.

Court common pleas, Belmont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas for the county of Belmont, in the state of Ohio, for the year 1864, shall commence on Tuesday, February twenty-third, on Tuesday, May seventeenth, and on Wednesday, November ninth.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 2, 1864.

AN ACT

To prevent enlistments of residents of this state, by unauthorized persons, in or for military organizations of other states.

What enlistments unlawful.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons to enlist or recruit, or to attempt to enlist or recruit, in the state of Ohio, men in or for any military organization of any other state or states; or for any

person or persons in the state of Ohio, to offer any bounty, premium, or fee of any kind to induce residents of this state to go into any other state to enlist, or to be accepted as substitutes, or in any way to induce or attempt to induce emigration from the state for such purpose: provided, that the provisions of this act shall not apply to any person or persons authorized to enlist or recruit, for any such military organization, by the secretary of war, or the governor of this state. Proviso.

SEC. 2. Any person found guilty of violating any of the provisions of this act, shall forfeit and pay, for every such offense, a fine of not less than three hundred dollars nor more than one thousand dollars, one-half of which shall go to the informer; and in case the person so found guilty of violating the provisions of this act, shall fail to pay such fine, he shall be committed to the county jail of the proper county, and there held until such fine and costs shall be paid: provided, that the governor, in his discretion, shall have power to remit the fine and pardon the offender. Penalty. Proviso.

SEC. 3. It shall be the duty of the governor, immediately after the passage of this act, to issue his proclamation, warning all persons from violating the provisions of the same.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 2, 1864.

AN ACT

Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any city of the first class, of less than one hundred and fifty thousand inhabitants, may, for the purpose of purchasing necessary grounds, and erecting suitable school buildings for the use of public schools, at the request of the board of education of said corporation, make sufficient appropriation therefor, and shall have power to borrow money upon the credit of such corporation, sufficient for the aforesaid purposes, not exceeding one hundred thousand dollars, at such rates of interest as the city council may deem proper, not exceeding the rate of six per cent. per annum semi-annually; and for the purpose of effecting such loan, the said council shall have power to pledge the faith of said corporation for the payment of both principal and interest, including the power to levy a tax for the payment of the same, whenever the same may become due, and to make and execute such bonds or other evidence of debt, and payable at such times and places, as shall be agreed upon by the parties so contracting, which said bonds or other evidences of debt may be made transferable and redeemable in such form and at such times and places as may therein be designated; and the necessary grounds shall be procured, and the said school buildings hereby authorized shall be constructed under the direction and in accordance with a plan or plans furnished by the board of education of said corporation. Council may borrow money. Not exceeding $100,000. Rate of interest. Power to levy tax. Bonds. Plans of school-houses.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 3, 1864.

AN ACT

To amend an act entitled "an act to regulate insurance companies not incorporated by the state of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourth section of the above-entitled act shall be so amended as to read as follows:

Duties of foreign insurance companies.

SEC. 4. It shall be the duty of every such insurance company, or some agent or agents thereof, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the court of common pleas, of the county in which it, he or they may desire to establish an agency for any such insurance company or individual, or to transact any business of insurance therein, a copy of the statement required to be filed with the auditor of state as aforesaid, together with the certified copy of the certificate of said auditor, which shall be carefully preserved for public inspection by said clerk, and also cause said statement and certificate to be published in some daily newspaper, printed and of general circulation in said county, for one week, or in some weekly newspaper, printed and of like circulation as aforesaid, three consecutive weeks; which publication shall be verified by the oath of the printer, or other person knowing the fact; and such body or individual shall, before it, he or they, or any agent or agents thereof, shall take any risks or transact any business of insurance, furnish such agent or agents with three copies of such statement, auditor's certificate, and affidavit of publication, one of which shall be deposited and kept in the office of the proper clerk of the court of common pleas, in the same manner, and for the same purpose, as hereinbefore mentioned, one of which shall be kept in the office of every such agent or other person, and one to be submitted to any person or persons for examination, who may desire to procure from such agent or agents, or other person, a policy of insurance or renewal thereof, if demanded by him or them.

Statement to be filed,

—and published.

SEC. 2. That the original section four of the above-entitled act, be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 9, 1864.

AN ACT

To accept an act of congress approved July 2d, 1862, entitled "an act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts."

WHEREAS, by an act of congress approved July second, one thousand eight hundred and sixty-two, it is provided as follows:

Act of congress donating lands.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be granted to the several states for the purposes hereinafter mentioned, an amount of public land to be apportioned to each state a quantity equal to thirty thousand acres for each senator and representative in congress, to which the states are respectively entitled by the apportionment under the census of eighteen hundred and sixty: provided that no mineral lands shall be selected or purchased under the provisions of this act.

"SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several states in sections or subdivisions of sections not less than one quarter of a section, and whenever there are public lands in a state subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said state shall be entitled shall be selected from such land within the limits of such state, and the secretary of the interior is hereby directed to issue to each of the states in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said state may be entitled, under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share, said scrip to be sold by said states, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: provided, that in no case shall any state to which land scrip may be thus issued, be allowed to locate the same within the limits of any other state or of any territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry, at one dollar and twenty-five cents per acre; and provided further, that not more than one million acres shall be located by such assignees in any one of the states; and provided further, that no such location shall be made before one year from the passage of this act.

"SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence and taxes, from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the states to which they may belong out of the treasury of said states, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purpose hereinafter mentioned.

"SEC. 4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the state to which the lands are apportioned and from the sales of the land scrip hereinbefore provided for shall be invested in stocks of the United Staoes, or of some other safe stocks, yielding not less than five per centum upon the par value of said stocks, and that the moneys so invested shall constitute a perpetual fund; the capital of which shall remain forever undiminished (except so far as may be provided in section fifth of this act), and the interest of which shall be inviolably appropriated by each state which may take and claim the benefit of this act to the endowment, support and maintenance of at least one college, where the leading object shall be without

excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such a manner as the legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

"SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized, shall be made on the following conditions, to which as well as to the provision hereinbefore contained the previous assent of the several states shall be signified by legislative act:

"1st. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall by any action or contingency, be diminished or lost, it shall be replaced by the state to which it belongs, so that the capital of the fund shall remain forever undiminished, and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum not exceeding ten per centum upon the amount received by any state under the provisions of this act may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures of said states.

"2d. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

"3d. Any state which may take and claim the benefit of the provisions of this act, shall provide within five years at least not less than one college as described in the fourth section of this act, or the grant to such state shall cease, and said state shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchase under the state shall be valid.

"4th. An annual report shall be made, regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters including state industrial and economical statistics as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all other colleges which may be endowed under the provisions of shis act, and also one copy to the secretary of the interior.

"5th. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the states at the maximum price, and the number of acres proportionally diminished.

"6th. No state while in condition of rebellion or insurrection against the government of the United States, shall be entitled to the benefits of this act.

"7th. No state shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

"SEC. 6. *And be it further enacted*, That land scrip issued under the provisions of this act, shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

"SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees, for locating land scrip issued under the provisions of this act, as are now allowed for the location of military bounty land warrants, under existing laws: provided their maximum compensation shall not be thereby increased.

"SEC. 8. *And be it further enacted*, That the governors of the several states to which scrip shall be issued under this act, shall be required to report annually to congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds." Therefore,

Assent of the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the assent of said state is hereby signified to the aforesaid act of congress, and to all the conditions and provisions therein contained, and the faith of the state of Ohio is hereby pledged to the performance of all such conditions and provisions.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 9, 1864.

AN ACT

To provide for admission, without charge, into the state universities and common schools of persons, who, when minors, entered the military service of the United States.

Clerks of sub-school districts to take enumeration.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the clerk in each sub-school district to take, or cause to be taken, annually, between the first and third Monday of September, an enumeration of all male minors who have enlisted or may yet enlist in the military service of the United States during the present war.

Duties of trustees of Miami University, Ohio University, and directors of sub-school districts.

SEC. 2. It shall be the duty of the trustees of Miami University, at Oxford, and of Ohio University, at Athens, and of the directors of the several sub-school districts of this State to admit into said universities, and into any of the public schools, without charge, all persons who, when minors, so enlisted in the military service of the United States, and have been honorably discharged therefrom, and to extend to them all the privileges of said institutions and schools for and during a period, equal to the time they have spent in the said service, prior to their arrival at the age of twenty-one years.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 10, 1864.

AN ACT

Supplementary to the act to provide a code of civil procedure, and to prevent multiplicity of actions.

Proceedings in actions for foreclosure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions for the foreclosure of mortgages given to secure the payment of money, or in which a specific lien for money claimed

to be due, is sought to be inforced, the plaintiff may also ask in his petition a judgment for the money claimed to be due; and such proceedings shall be had, and judgment rendered thereon, as in other civil actions for the recovery of money only.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 19, 1864.

AN ACT

To amend section six of an act passed March 14, 1859, entitled "an act to provide for the appointment of police commissioners in cities of the first class having a population exceeding eighty thousand inhabitants," and supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto. [Swan and Critchfield, 1556.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the act passed March 14, 1859, entitled "an act to provide for the appointment of police commissioners in cities of the first class having a population exceeding eighty thousand inhabitants, and supplementary to an act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the other acts supplementary and amendatory thereto, be so amended as to read as follows:

City council may establish prison and work-house. Chief of police.

SEC. 6. The city council of such cities of the first class, with a population exceeding eighty thousand inhabitants, shall have power to erect, establish and maintain a city prison, and city work-house, which shall be in the keeping and under the control of the chief of police of such city, who shall be governed by such rules as the city council of such city may prescribe; but he shall receive no compensation, fees, or perquisites, other than the amounts specified in section five of the act to which this is amendatory. It shall be the duty of the city council to provide by ordinance for sustaining all persons sentenced to the city prison, or city work-house, or confined therein, at the expense of the city; and the city auditor, on presentation of bills for food and sustenance, and necessary supplies, certified to by such person or persons, as council may designate, shall audit the same under such rules and regulations as council may prescribe. And the mayor of such city shall have power to appoint such persons, not to exceed eight in number, with the pay and have powers of watchmen in such city, as may be necessary to attend the sittings and execute the process of the police court, and to perform duty at the city prison and city work-house.

Sustenance of prisoners.

SEC. 2. This act to take effect on its passage; and the original section six of the act above recited is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 17, 1864.

AN ACT

To amend an act to provide for the execution and supervision of the state printing and binding, passed March 24th, 1860, and also the act supplementary to the act to provide for the execution and supervision of the state printing and binding, passed May 1, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (17) seventeen of the act passed March 24th, 1860, and section (4) four of the supplementary act thereto, passed May 1st, 1862, be amended so as to read as follows:

Sec. 17. The governor of the state, by and with the advice and consent of the senate, shall appoint some competent and suitable person as a supervisor of the public printing, who shall be a practical printer, and whose duty it shall be to examine the proof sheets of all work executed under the provisions of this act, and see that they are correctly printed, and that all such work is executed in a suitable manner, and in accordance with the requirements of this act. Said supervisor shall keep an accurate account of all papers delivered to the public printer or printers, and see that it is used properly and without unnecessary waste. All work to be executed for the executive departments shall be ordered through the supervisor of printing, and it shall be his duty to see that the full number of copies of each job ordered is received from the printer and delivered to the proper department. He shall audit all accounts for printing and binding, under the provisions of this act, and he shall keep a record of the cost of printing and binding, the amount of paper used, and the entire expense of each document or item; and a copy of each document shall be duly filed and preserved by him, with the cost endorsed upon it. Said supervisor of public printing shall not in any manner or form take o robtain any interest in the contracts provided for in this act, under the penalty of immediate dismissal from his office.

Supervisor of public printing.

His duties.

Shall have interest in contracts.

Sec. 4. The supervisor of public printing shall hold his office for the term of two years, unless removed by the governor for misfeasance or malfeasance in office. He shall make an annual report to the governor of the expenses of the department over which he has the supervision, and of any other matters connected therewith; and he shall receive annually a salary of eight hundred dollars as a compensation for the services required of him by this act and the acts to which this is amendatory, to be paid out of the appropriation for public printing and binding.

Report annually.

Salary.

SEC. 2. That section (17) seventeen of the act passed March 24th, 1860, to which this act is amendatory, and also section (4) four of the supplementary act thereto, passed May 1, 1862, be and the same are hereby repealed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 19, 1864.

AN ACT

In relation to statistics of agricultural and mineral products.

Duties of township assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the several township assessors in all the counties in the state, at the time of making the annual assessment of personal property for taxation, to collect the following items of statistics in addition to those already authorized by law, viz. :

Items of statistics to be collected.

First—The number of acres grown in clover, the number of tons of hay made from it, the number of bushels of seed obtained, and the number of acres of clover plowed under for manure.

Second—The number of acres planted in tobacco, and the number of pounds obtained.

Third—The number of (old and young) dogs, both male and female.

Fourth—The number of tons of pig-iron manufactured, and the bushels of stone coal dug.

Fifth—The number of acres sown in flax, number of pounds of fibre gathered, and the number of bushels of seed obtained.

Sixth—The number of acres planted in sorgo, the number of gallons of syrup manufactured, and the number of pounds of sugar obtained.

Seventh—The number of pounds of maple sugar made, and the number of gallons of syrup manufactured.

Eighth—The number of pounds each of butter and cheese manufactured.

Returns made to county auditors.

Ninth—The number of acres planted in potatoes, and the number of bushels obtained; and make a correct return thereof to the county auditors of their respective counties at the same time that a return of the enlisted property is made.

Duties of county auditors.

SEC. 2. That it shall be the duty of the county auditors to forward annually on or before the first day of June, to the office of the Ohio state board of agriculture, the aggregate of each of the items of statistics enumerated in the first section of this act, together with the aggregate of each and every item of statistics of acreage and product, where acreage is enumerated, and the aggregate of product where no acreage is enumerated, of all the agricultural statistics by law authorized to be returned to the auditor of state; together with the aggregate number and value of the horses, cattle, sheep and swine in the county, as sent to the office of state auditor.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 20, 1864.

AN ACT

To amend an act entitled "an act to amend section 374 of an act entitled 'an act to establish a code of civil procedure,'" passed March 11th, 1853, passed March 29, 1859. [O. L. vol. 56, p. 84.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 374 of the act to establish a code of civil procedure, passed March 11, 1853, as amended by an act entitled "an act to amend section 374 of an act entitled 'an act to establish a code of civil procedure,'" passed March 29, 1859, be so amended as to read as follows:

Foreclosure of mortgages.

SEC. 374. In the foreclosure of a mortgage, a sale of the mortgage property shall in all cases be ordered; and when the same mortgage embraces an entire tract of land, or separate tracts of land, situated in two or more counties, the sheriff of each county in which such separate tract or tracts are situated, shall be ordered to make sale of, the land situated in the county of which he is sheriff, unless, in the opinion of the court ordering the sale, the circumstances of the case or the interests of the parties require the sale to be made by a single officer; in which case, the court may order the sale to be made by the sheriff of either county in which any part of the mortgaged premises may be, or by a general or special master commissioner of the court, and may order the premises to be sold entire, or in parcels, as the interest of the parties may demand; and in such cases the mortgaged premises shall be appraised by three disinterested freeholders of either or any of the counties in which said premises are, and notice of the sale shall be given by advertisement in each of said counties, as required in the case of the sale of real estate on execution, and the court may make such order touching the distribution of the proceeds of sale as may be necessary to protect and preserve the relative rights and privileges of all lien holders on such premises, or on the several parcels thereof.

How property to be sold.

Repeal.

SEC. 2. That the act entitled "an act to amend section 374 of an act entitled 'an act to establish a code of civil procedure,'" passed March 11th, 1853, passed March 29, 1859, be and the same is hereby repealed.

SEC. 3. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 20, 1864.

AN ACT

To authorize cities of the first class, exceeding one hundred thousand inhabitants, to purchase fuel, and levy a tax therefor.

City councils may levy tax for fuel fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the first class, exceeding one hundred thousand inhabitants, are authorized to levy a tax in each of the years A. D. 1864, 1865, 1866, not to exceed one mill on the dollar valuation, for the purpose of constituting a fund to be called the fuel fund. Said tax shall be levied and collected in the same manner that other municipal taxes are assessed and collected.

Stone coal.

SEC. 2. The city council shall invest said funds for the purpose of procuring stone coal, at their discretion, and store or yard the same within said city, and when the price of stone coal in said city, delivered to consumers, exceeds twenty cents per bushel, the city council are authorized to commence selling said coal to consumers at not less than twenty cents per bushel, restricted within such limits and regulations as may be prescribed by said city council.

How sold.

Transfer of funds.

SEC. 3. The city council shall have power to anticipate all or a part of said levy, by transferring other funds to the credit of the fuel fund.

SEC. 4. The city council shall have all necessary power to carry out the provisions of this act, to purchase coal in the mines or elsewhere, and all necessary agencies for the procuring, transporting and delivery of said coal; or may appoint three trustees, to serve without compensation, and during the pleasure of said city council, to carry out the provisions of this act, under such rules and regulations as said city council may provide by ordinance.

May appoint trustees.

SEC. 5. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 20, 1864.

AN ACT

To amend the third section of the act passed May 1, 1854, entitled "an act supplementary to the act entitled 'an act defining the jurisdiction and regulating the practice of probate courts,' passed March 14, 1853, and to amend said act," as amended February 7, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act entitled "an act supplementary to the act defining the jurisdiction and regulating the practice of probate courts," passed May 1st, 1854, as amended February 7, 1856, be so amended as to read as follows:

Appeals may be taken to courts of common pleas.

SEC. 3. That appeals may be taken from any order, decision, or decree of the probate court, in settling the accounts of an executor, administrator or guardian; in proceedings for the sale of real estate for the payment of debts; in proceedings for the execution and completion of real contracts, from any order, decision, or decree, made under "an act regulating the mode of administering assignments in trust for the benefit of creditors;" and in proceedings to appoint guardians for lunatics, or idiots, by any person against whom such order, decision or decree shall be made, or who may be affected thereby, to the courts of common pleas of the proper county; and the cause so appealed, shall be tried, heard and decided in the court of common pleas, in the same manner as though the said court of common pleas had original jurisdiction thereof.

How tried and decided.

SEC. 2. This act shall apply to all cases now pending, and shall take effect from and after its passage.

Repeal.

SEC. 3. That the third section of the above-recited act of May 1st, 1854, and the amendatory act passed February 7th, 1856, be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 20, 1864.

AN ACT

For the relief of the families of soldiers and marines in the state and United States service, and of those who have died or been disabled in such service.

Relief of the families of soldiers and marines.

Tax levied.

If fund be insufficient, board of commissioners required to levy additional tax.

City councils may also levy additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the relief of the necessities of the families of soldiers and marines, who now are, or hereafter may be, in the service of the state or United States, enlisted from this state, or have died or been disabled, or hereafter may die or be disabled in such service, there be and hereby is levied and assessed, for the year eighteen hundred and sixty-four, two mills on the dollar valuation of the grand list of taxable property of the state. And if the fund received in any county of this state from such state levy shall be insufficient for the purpose of affording the relief contemplated by this act, the board of commissioners of such county are hereby authorized and required to levy and assess an additional amount, not exceeding one mill on the dollar valuation, on the grand list of the taxable property of the county, and the city council of cities of the first and second classes, are hereby authorized, if in their opinion the same shall be necessary for the purpose of affording the relief contemplated by this act, to levy and assess an additional amount, not exceeding one-half of one mill on the dollar valuation, on the grand list of the taxable property of the said city; and the amount so levied and assessed shall be collected in the same manner as other state and county taxes are collected.

Assessors to take enumeration of soldiers and marines;

—and make return to trustees.

Necessitous families.

Trustees to revise and return enumeration to county auditors.

Soldiers dishonorably dismissed, or deserters.

SEC. 2. It shall be the duty of the assessors in the several wards, election districts and townships in the state, when they are making the assessment of eighteen hundred and sixty-four, to take an enumeration, by name, of all the soldiers and marines who are then in the service of the state or United States, or who have died or been disabled in such service, from their several wards, townships, and election districts, being residents therein when entering said service, and also of those whose families are resident therein, having become residents of said ward, township, or election district, by removal into the same, and also designating any who were residents therein when entering the service, but whose families have since removed from said ward, township, or election district, naming the company and regiment to which they belong, and make an accurate return under oath to the trustees of their respective townships, wards, and election districts, designating those who have families, and those who have not; and where there are families, the number, sex, and ages, naming such as are necessitous. It shall be the duty of said trustees to revise the same, inserting such names as may have been omitted, and return such revised enumeration to the auditors of their counties, on or before the fourth Monday of May, eighteen hundred and sixty-four. This act shall not apply to the family of any soldier or marine who is dishonorably dismissed, or a deserter from the service.

Blanks to be furnished by county auditors.

County auditors to make statements to auditor of state.

SEC. 3. That it shall be the duty of the auditors of the several counties to furnish to the assessors of their respective counties, such blanks as may be necessary for taking the aforesaid enumeration, together with a list of the enumeration of their respective townships, wards, or election districts, returned in 1863; and said auditors shall, within twenty days after said enumeration is returned to them, make out and forward to the auditor of state, a statement showing the number of soldiers and marines included in said enumeration.

Auditor of state to appor-

SEC. 4. It shall be the duty of the auditor of state to open proper accounts with each county in the state, and apportion the funds so raised

tion funds raised on state levy.

upon state levy according to the enumeration and returns made to him by the several county auditors, and pay over the same to the county treasurers, at their semi-annual settlement with the state.

County commissioners to take control of funds, —and apportion same.

SEC. 5. That the commissioners of the several counties respectively, shall take control of said funds, for the purposes named in this act, when paid into the county treasuries, and shall apportion the same to the several townships and wards in their respective counties, according to the necessities of the families aforesaid, as returned by the trustees of the several townships, wards, and election districts as provided for in section two, which shall, on the warrant of the county auditor, be paid to the several township treasurers, and in cities of the first class to the treasurers thereof, and shall be drawn out upon the order of the trustees of the several townships, wards, and election districts, and be distributed by them for the relief of the necessities of the families of non-commissioned officers, musicians, and privates in the service aforesaid, in money, as their necessities may require, under such rules and regulations as said commissioners may prescribe; but if it appears to the trustees that any family is making an improper use of the money, it is hereby made their duty to provide otherwise for the necessities of said families. Said trustees shall afford the relief contemplated by this act, to the family of any soldier or marine heretofore or hereafter deceased or disabled in the service aforesaid. No money raised by the state levy authorized by this act, shall be used by the commissioners or trustees, otherwise than to meet the future necessities of said families: provided, that this act shall not be so construed as to exclude from its benefits the families of colored soldiers or marines actually in the service of the United States, or who have died or been disabled therein; provided, further, that the benefits of this act shall be extended by the township trustees and the county commissioners aforesaid, to the necessitous families of all soldiers or marines, in the service of this state or the United States, and who were residents of this state at the time of their enlistment, without regard to the locality from where such soldier entered the service.

How drawn out and distributed.

Improper use of the money.

Families of deceased or disabled soldiers. Proviso.

Families of colored soldiers. Further proviso.

Residents at time of enlistment.

Duties of trustees.

SEC. 6. And the trustees of the township shall keep a fair and accurate account of all moneys expended for the relief of the families of any soldier or marine in the service of the state, or United States, as aforesaid, and not being a resident of such township when entering said service, and certify said account with the vouchers for the same, to the trustees of the township of which such soldier or marine was a resident at the time of his entering said service, and such trustees shall cause from the funds for the relief of the families of volunteers in said township the amount so paid, to be repaid to the township paying the same, and upon refusal, may be compelled by a civil action brought before any justice of the peace or court of common pleas of the county in which either or both of the townships may be situated; and the trustees of each and every township in this state, are hereby empowered to sustain said actions against the trustees of any other township in this state, for thus giving relief to the family of any soldier or marine removing from one township to another as aforesaid.

Trustees to render account to commissioners.

SEC. 7. That said trustees shall, on the first Tuesday of April and October of each year, render an account to the commissioners of their respective counties, of all funds that have or may come into their hands under any law of this state, for the relief of soldiers' families, and the county auditor shall make an abstract thereof, showing the number of families relieved, the aggregate amount paid out for that purpose, and

County auditor to make abstract.

the amount levied, if any, by the board of commissioners of their respective counties, and forthwith forward the same to the auditor of state.

To be forwarded to auditor of state.

SEC. 8. That in case of the neglect, refusal, malconduct, or disability of the trustees of any township, ward, or election district, in the discharge and performance of the duties by this act enjoined upon them, the commissioners of the proper county shall appoint not more than two suitable persons in such township, ward, or election district, to discharge and perform the said duties, who shall have full power, and are hereby authorized to do all and singular the acts and duties which said trustees could, or might do under the provisions of this act, and in case of the like neglect, refusal, malconduct, or disability of the commissioners of any county, or a majority thereof, in the performance of their duties under this act, the governor of the state, being satisfied of such neglect, refusal, malconduct, or disability, whereby the distribution and proper application of the funds provided by this act, is hindered, delayed or improperly performed, shall appoint one or more suitable persons, citizens of said county, to serve during his pleasure, and the persons so appointed are hereby authorized and required, with due diligence, to do and perform all and singular the acts, powers and duties, conferred and enjoined upon said county commissioners, by and under the provisions of this act. And any moneys in the treasury of such county, provided under this act, shall be paid and disbursed upon their order, in like manner as the same could have been done by the order of the said county commissioners in the discharge of their duties under this act, or any former act for the relief of the necessities of the families of soldiers and marines.

Neglect, etc., of trustees, the county commissioners shall appoint suitable persons.

Neglect, etc., of persons appointed. the governor shall appoint.

Money to be disbursed upon their order.

SEC. 9. In all townships and cities having no treasurer, the county treasurer shall perform the duties required by this act.

Townships and cities having no treasurer.

SEC. 10. That in case any of the families included in the revised returns of the enumeration made by the trustees of the several wards, townships and election districts, to the auditors of their counties, as provided for by section two of this act, shall remove from one ward, township, or election district to another, shall produce from the trustees of the ward, township, or election district from which they shall have removed, a certificate showing they had been duly enumerated and returned, and the amount of relief received from the trustees of the ward, township, or election district, from which such family shall have removed, to the trustees of the ward, township, or election district to which they shall so remove, and such certificate shall entitle them to relief the same as if they had been enumerated in the ward, township, or election district to which they may have removed.

Removal of families.

SEC. 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow, from time to time, as may be deemed necessary, such sums of money as shall not exceed, in the aggregate, four-fifths of their proportion of the tax levied by this act, and may, to that extent, temporarily transfer money from any other fund except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters.

Commissioners shall borrow money when necessary.
May transfer from other funds, except school fund.
Rates of interest.
Definition of "family."

SEC. 12. No compensation shall be allowed to, and no per centage

No compensa-

tion for service rendered.

shall be charged by, any officer or person for any service rendered under the provisions of this act.

SEC. 13. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 25, 1864.

AN ACT

To amend sections three and four of an act entitled "an act to provide for the collection of claims against steamboats and other water-crafts, and authorizing proceedings against them by name."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the act entitled "an act to provide for the collection of claims against steamboats and other water-crafts, and authorizing proceedings against them by name," passed February 26, 1840, be so amended as to read as follows:

How petition to be filed.

Section 3. When suit shall be commenced against the craft, the plaintiff shall file his petition in the court having jurisdiction of the same against said craft by name, if she have a name; and if not, by a pertinent and substantial description of the same, which petition shall contain, as in other civil actions, a statement of the facts constituting the plaintiff's cause of action, and a demand for the relief which the plaintiff supposes himself entitled to.

SEC. 2. That section four of said act be so amended as to read as follows:

Clerk of court to issue summons, and warrant for seizure.

Section 4. The clerk of the proper court shall, on such petition being filed in his office, issue a summons as in other civil actions, together with a warrant, returnable as other writs, directing the seizure of such craft by name or description, as provided for in the third section of this act, or such part of her apparel or furniture as may be necessary to satisfy the demand, and to detain the same until discharged by due course of law; and the officer executing the writ shall return it with an inventory of the effects seized and held under it.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

AN ACT

To restrain frauds in the recruiting service.

Receiving pay for procuring improper discharges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall directly or indirectly charge or receive, except in pursuance of law, or some military order authorizing him thereto, any money, or other property in consideration of, and as a reward for services rendered, or to be rendered in procuring another to be

improperly discharged from the military service of the United States, or of this state, or in procuring for another improperly any certificate or other instrument of exemption from liability to do military service under any enrollment or other law of the United States, or of this state, or under any military order of either, every person so offending, shall upon conviction thereof be fined in any sum not less than fifty dollars, nor more than the sum so charged or received, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

—or procuring certificates of exemption.

Penalty for.

SEC. 2. That if any person shall receive into his possession, and fraudulently withhold from any enlisted soldier, any premium, advance pay, or bounty pledged or promised, to induce enlistments in the military service of the United States, or of this state, and to which such soldier, by virtue of such pledge or promise, and of his enlistment, shall be justly entitled, every such person so offending, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor for any period not exceeding six months; and shall moreover be adjudged by the court to pay to the person injured, double the amount so withheld from him; for the payment of which the real and personal estate of the offender shall be liable, without exemption.

Withholding pay or bounty from soldiers.

Penalty for.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

AN ACT

For the relief of sureties and bail in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person or persons may have, or shall hereafter, become bound as surety or sureties, by bond, bill, note, or other evidence of indebtedness, for the payment of money or other valuable thing, it shall and may be lawful for such surety or sureties, in every such case—provided a right of action shall have accrued on such bond, bill, note, or other evidence of indebtedness—to require, by notice in writing, his or their creditor or creditors, forthwith to commence an action against the principal debtor or debtors, on such bond, bill, note, or other evidence of indebtedness. And unless the creditor or creditors, so required to commence an action on such bond, bill, note, or other evidence of indebtedness, shall, within a reasonable time thereafter, commence an action on such bond, bill, note, or other evidence of indebtedness, and proceed with due diligence, in the ordinary course of law, to recover judgment against such principal debtor or debtors for, and by execution, to make the amount of money or other valuable thing due by such bond, bill, note, or other evidence of indebtedness, the creditor or creditors, or the assignee or assignees of such bond, bill, note, or other evidence of indebtedness, so failing to comply with the requisition of such surety or sureties, shall thereby forfeit the right, which he or they would otherwise have, to demand and receive of such surety or sureties, the amount which may be due by or on such bond, bill, note, or other evidence of indebtedness.

Sureties may require creditors to commence action against the principal debtor.

Failure to comply.

Executors or administrators may make such requisition.

SEC. 2. That any surety or sureties—or in case of his or their death, then his or their executors or administrators—may in like manner make such requisition of the creditor or creditors, or his or their executors and administrators, as hereinbefore provided, may be made by a surety or sureties of his or their creditor or creditors; and in case of failure of the executors or administrators so to proceed, such requisition as aforesaid being duly made, the surety or sureties, his or their executors or administrators, making the same, shall have the same relief as is hereinbefore provided for a surety or sureties, when his or their creditor or creditors shall be guilty of a similar failure.

Guardians, trustees, executors, etc., exempt.

SEC. 3. That nothing in this act contained shall be so construed as to affect bonds, required by law, to be given by guardians, executors, administrators, trustees of an express trust, public officers, or any bond or undertaking required by law to be given in any action or legal proceeding, now pending, or that may hereafter be commenced, in any of the courts of this state.

Whose rights not affected.

SEC. 4. That the rights and remedies of any creditor or creditors, against any principal debtor or debtors, shall in nowise be affected by this act; nor shall this act in anywise interfere with or affect the rights and remedies of surety or sureties against his or their principal debtor or debtors now provided by law, but shall be deemed and held to be in addition to all such rights and remedies.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 29, 1864.

AN ACT

59 O. L. 46. To amend the third section of an act entitled "an act for the appointment of pay-agents," passed April 14, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the "act for the appointment of pay-agents," passed April 14, 1862, be so amended as to read as follows:

Governor may make regulations for pay-agents; and discharge them. Compensation. Accounts how certified and paid. Proviso.

Sec. 3. That the pay-agents provided for in this act shall be governed by such regulations as the governor may make, and by such orders and directions as he shall give them, and they may be discharged at any time at his pleasure. They shall be paid all necessary traveling expenses, and such compensation as the governor shall deem just and proper, not exceeding three dollars and fifty cents for each day's time they are actually employed. Their accounts for expense and compensation shall be certified to the auditor by the governor, and be paid out of the treasury: Provided, that all claims arising under this act shall be sworn to by the agent claiming the same, which claim shall exhibit items of expense and the number of days actually employed, and shall be accompanied by a full and complete report of all doings of each agent for the number of days for which pay shall be claimed, and give a full account of all moneys received by him, showing from whom

received and to whom paid or forwarded, and the amount, if any, remaining in his hands, and to whom the same belongs; and no accounts for expense or compensation shall be certified by the governor until such statement is made and sworn to by the person claiming the same.

SEC. 2. That the third section of the above recited act be and the same is hereby repealed. Repeal.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

AN ACT

To provide for the erection of a building for insane convicts confined in the Ohio penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the warden and directors of the Ohio penitentiary are hereby authorized and directed to provide for the erection of a building on the penitentiary grounds, with capacity sufficient to accommodate not less than twenty-four (24) or more than thirty (30) insane convicts. Building for insane convicts.

SEC. 2. The entire building shall be well and substantially built with stone, brick and iron, with special reference to economy, and the safe keeping and comfort of such convicts. They are further directed to have a due regard to proper ventilation, dryness of cells, health of inmates, &c., as well as to durability. How built.

SEC. 3. They shall have power to execute, by convict labor, a part or the whole of the work contemplated by this act, as in their opinion will be conducive to the best interest of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts, in one or more daily newspapers of general circulation printed in the city of Columbus, one in Cleveland, and one in the city of Cincinnati, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisements shall contain proposals for the completion of each separate parcel, or for the entire work, as the case may be, and all bids received shall be opened on the day advertised, in the presence of the warden and directors, or a majority of them, and not otherwise. Convict labor. Contracts.

SEC. 4. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time, when to be completed, material to be used, &c. Every contracting party shall give bond, with good and sufficient security, for the performance of his contract. In cases where two or more bidders are equal and none lower, the warden and directors are empowered to decide which shall take the contract. Bond, with security.

SEC. 5. Said warden and directors are hereby empowered to hire out to contractors, convict labor, upon such terms, and to such extent, as will best subserve the interests of the state. May hire out convict labor to contractors.

Warden to be acting director.

SEC. 6. The said warden shall be the acting director of such proposed improvement, and the said directors advisory; and wherever the expression "warden and directors" occurs, or is referred to in this act, it shall be held to refer to them as a collective body, a majority of whom shall be competent to the discharge of business.

Appropriation.

SEC. 7. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of ten thousand (10,000) dollars, which money shall only be paid out in the same manner as other moneys are, upon the certificate of said warden, which certificate shall only be given to pay for work actually done, and materials actually used, in making the improvement authorized by this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 1, 1864.

AN ACT

To amend an act entitled "an act to amend section one of an act entitled an act regulating the payment of costs in prosecutions for minor offenses," passed April 16th, 1862; and also to amend an act entitled "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27th, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of "an act regulating the payment of costs in prosecutions for minor offenses," passed April 16th, 1862, be and the same is hereby so amended as to read as follows:

When costs not to be paid by county.

SEC. 1. That no costs taxed by any justice of the peace, police judge, or mayor of any city or incorporated village in this state, in any prosecutions hereafter commenced before such justice of the peace, police judge, or mayor, for any offense, shall in any event be paid out of the county treasury, except the fees of witnesses in prosecutions for an offense, the punishment whereof is imprisonment in the penitentiary, which witness fees shall be certified by such justice of the peace, police judge, or mayor, to the county auditor, who, after correcting the errors, if any in the charges, shall draw an order on the county treasurer in favor of such witness, which order shall be paid out of the county treasury.

County commissioners may make allowance to constables, marshals, justices and police judges, in certain cases. Proviso.

SEC. 2. That the county commissioners in each county of the state, shall annually, at their December session, make an allowance to such constable, marshal, justice of the peace, police judge, or mayor in such county, for services in criminal cases, the punishment whereof is imprisonment in the penitentiary, in cases where the fees are not paid by the state of Ohio, equal to their respective fees now provided by law in such cases; but such allowance shall not exceed fifty dollars for any one year: provided, however, that nothing in this act shall prevent the payment of any necessary expenses incurred by any officer in the pursuit of accused persons who shall have fled the county, when the same shall, with other fees, exceed such allowance; nor in any case, more than the legal fees to which such officer is now entitled by law.

SEC. 3. That section twenty-four of the above-entitled act passed March 27th, 1837, be so amended as to read as follows:

Sec. 24. In all cases arising under the provisions of this or any other act in which a justice of the peace shall have power to fine any person charged with the commission of an offense, it shall be lawful for every such justice to render judgment for such fine, and to tax such costs for himself, the constable, and witnesses, as are or may be allowed by law for similar services in other criminal cases, and to issue executions therefor.

Justices to issue executions for fines and costs.

SEC. 4. That the original section one of the above-entitled act passed April 16th, 1862, and the original sections twenty-three, twenty-four, twenty-six and twenty-seven, of the above-entitled act, passed March 27th, 1837, be and the same are hereby repealed.

Sections repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 4, 1864.

AN ACT

Supplementary to "an act to define the powers and prescribe the duties of the board of commissioners of the sinking fund," passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever satisfactory proof shall be made to the commissioners of the sinking fund, that any certificate or certificates of the stocks of the state have been lost or destroyed, and of the amount and particular kind of stock represented thereby, and of the legal and equitable ownership thereof, said commissioners may, at their discretion, by written order signed by each of them, cause a new certificate or certificates of an equal amount of stock of the same description as the stock described in the certificate so lost or destroyed, to be issued and delivered to the owner of such lost or destroyed certificate or certificates: provided, such owner shall first execute and deliver to said commissioners an obligation payable to the state of Ohio, with good and sufficient security, to the acceptance of said commissioners, to save the state harmless from any loss or injury consequent upon the issuing of such new certificate or certificates.

Commissioners of sinking fund to issue new certificates for those lost or destroyed.

Proviso.

SEC. 2. The proof required by the foregoing section of this act shall be reduced to writing and verified by oath, which proof and the obligation mentioned in said section shall be carefully preserved in the office of said commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 4, 1864.

AN ACT

To suppress the sale of spirituous liquors within this state upon the days of election.

Unlawful to sell liquors on days of election.

Owners to close their houses on those days.

Penalty.

Duties of mayors;

—of marshals and police officers.

Fines to be paid into county treasury for benefit of common schools.

Penalty for not paying over fines.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person within this state, to sell, barter, or give away any spirituous, vinous or malt liquors, on the day of any election, held within this state under the constitution or laws thereof. And it is hereby made the duty of each and all persons, who are authorized, under or by the laws of this state, or the municipal regulations of any city, town, or village of this state, to sell or barter any spirituous, vinous or malt liquors, to close their respective establishments on those days. Any person offending against the provisions of this act, shall be fined in any sum not less than five nor more than one hundred dollars, and be imprisoned in the county jail for a period not exceeding ten days, for each offense so committed; and it shall be the duty of all mayors of cities and incorporated villages, within this state, on the days of elections as aforesaid, to issue a proclamation, warning the inhabitants of such city or village of the provisions of this act, and that all violations of the same will subject the offender to prompt and speedy punishment, and requiring marshals and police officers, under their respective jurisdictions, to close all houses found violating the provisions of this act, and to report forthwith all violations thereof to such mayors.

SEC. 2. All fines accruing under the provisions of this act, shall be collected in the name of the state of Ohio, as in other cases of breach of the peace, and be paid into the county treasury, for the use of common schools, in the township in which the offense shall have been committed, within ten days after collection; and if any officer fail to pay over such fine or fines by him collected, such officer shall, for any such neglect, forfeit and pay into the township treasury double the amount of such fine or fines by him so collected, to be recovered before any justice of the peace, at the suit of the township treasurer. All prosecutions under the provisions of this act shall be commenced within twenty days after the offense is committed, except actions against justices of the peace for not paying over any fine or fines as aforesaid.

SEC. 3. This act to take effect and be in force from and after the first day of March, 1864.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 10, 1864.

AN ACT

To authorize township trustees to expend certain funds therein named, for the relief of families of volunteers.

WHEREAS, there are now remaining in many township treasuries of this state, unexpended sums of money, arising from over assessments for other purposes, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That township trustees be and they are hereby authorized to expend for the relief of the families of volunteers within their respective townships, any moneys remaining for two years in their respective treasuries, arising as aforesaid, and not otherwise appropriated. Township trustees to expend certain funds for families of soldiers.

SEC. 2. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 10, 1864.

AN ACT

To amend an act entitled "an act to authorize the incorporation of joint stock insurance companies," passed April 11, 1856. S. & C. 370.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of an act entitled "an act to authorize the incorporation of joint stock insurance companies," passed April eleventh, one thousand eight hundred and fifty-six, be so amended as to read:

Sec. 11. The directors shall declare such dividends of the profits of the business of the company as may be paid without impairing or in any wise diminishing the capital stock; the dividends to be made half yearly, on the first Monday in July and January, payable to stockholders ten days thereafter; but no dividend shall be paid to any stockholder who is delinquent. Directors of joint stock insurance companies to declare dividends.

SEC. 2. Section eleven of an act entitled "an act to authorize the incorporation of joint stock insurance companies," passed April eleventh, one thousand eight hundred and fifty-six, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 10, 1864.

AN ACT

To amend the first, second, third and fourth sections of an act entitled "an act supplementary to an act relating to cities of the first class, having a population exceeding eighty thousand inhabitants," passed March 5th, 1860. 58 Laws, 86

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first, second, third and fourth sections of the above recited act be amended so as to read as follows:

Section. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it may become necessary in the opinion of the city council of any city of the first class, containing a population ex-

ceeding eighty thousand inhabitants, to provide a thorough system of sewerage and drainage for such city, or any part or parts thereof, it shall be the duty of the board of city improvements of said city to devise and form, or cause to be devised and formed, a plan of sewerage and drainage of the whole city, or such part or parts thereof as may be designated by said city council, upon a regular system or plan, for the purpose of draining and carrying off by sewers and drains the water and filth proper to be carried off by sewers, for the health and convenience of the inhabitants. The plan so devised shall be formed with the view of the division of said city into as many sewer districts as may be deemed necessary for securing efficient drainage and sewerage of said city; each of said districts to consist of one or more main or principal sewers, with the necessary branches and connections, such main or principal sewer having its outlet in a river or other proper place of outlet; said districts to be so arranged as to be independent of each other so far as practicable.

General plan of sewerage.

Division of city into sewerage districts.

Sec. 2. After such plan or plans shall have been prepared and adopted by said board of city improvements, it shall be the duty of the board to designate such sewer district or districts, or part or parts thereof, as may be required for immediate use and improvement, and have plans and specifications prepared, for the construction of the sewers and drains in the same, showing the size, location and inclination of such sewers and drains, and the various branches and connections, and the depth of the same below the surface; and when such district or districts are so arranged, and the plans and specifications for the sewers and drains prepared, it shall be the duty of said board of city improvements to give at least ten days' notice in one or more newspapers of general circulation in the city, stating the boundaries of such sewer district or districts, and that such plans have been prepared and are filed in the office of said board for the purpose of examination and inspection of parties interested in such drainage and sewerage. At the time specified in said notice, said board of city improvements shall hear said parties, if any, or at any adjourned meeting then and there proclaimed, and said board shall thereupon amend and correct the said plan or plans, if they deem proper; and after such has been done, they shall file such plan or plans so amended and corrected, or if not amended, then the original plans, duly certified by said board, as the correct plan of the drainage and sewerage of said district or districts, in the office of the city civil engineer of said city; whereupon said plan or plans for such district or districts, or part thereof, therein set forth and adopted, shall be considered the permanent plan for the sewerage and drainage for such district or districts, or part thereof, so designated; and in case a general plan of sewerage for any city or district thereof, has been heretofore adopted by the proper authorities of any such city, under and in pursuance of the act of April 12th, 1861, it shall be lawful for such city authorities to abandon such general plan or plans, and proceed to the adoption of other general plans and districts, in the manner and mode, and subject to all the regulations herein provided.

Construction.

Notice to be given of boundary, &c.

Duty of board of city improvement.

Sec. 3. After the plan of sewerage for any district, or a part thereof, shall have been finally arranged and approved by said board of city improvements, and duly filed in the manner provided in the foregoing sections, the city council of such city shall have power to provide, by ordinance, to require said board of city improvements to cause

City council may require sewers to be constructed.

to be constructed such sewer or sewers specified in said plan, as shall be designated by said city council and specified in such plan, and shall have power to assess a charge on any lot or lots of land bounding or abutting on any street, lane, alley, market space, public landing, or common, through or under which any of said sewers or drains may be laid, for defraying the cost and expenses thereof, which charge shall be in proportion to the front feet of the lot or lots of land so bounding or abutting, and shall be binding on the lot owner or owners of such lot or lots personally, and shall also be a lien on such lot or lots as against any owner or owners, or any person or persons claiming any interest whatever therein, and the amount of such charge may be recovered by suit before a justice of the peace, or other court of competent jurisdiction, against any such owner or owners, in the name of said city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same; and such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or action, and proceed as in other cases.

—and may assess tax to defray expense.

Sec. 4. The basis of the assessment for any district, or portion of a district, through and in which sewers and drains may be laid and built in accordance with this act, shall be determined by taking the total cost of constructing the main and collateral sewers and drains, and the necessary appurtenances, inlets, etc., and dividing such gross amount by the number of front feet on each side of the street, lane, alley, common, market place, or public landing, through or in which said sewers and drains may be laid, the quotient forming the amount to be assessed per front foot for each side of said street, lane, alley, common, market space, or public landing aforesaid, as a charge for the cost and expenses in and for the construction of said sewers and drains, and their necessary appurtenances, in such district or portion of district: Provided, however, such amount does not exceed the sum of two dollars per front foot on each side of said street, lane, alley, common, market space, or public landing; and when the amount of such quotient does exceed this sum, the excess is to be paid out of the general fund of said city. Provided further, however, that in case it may be considered necessary, by the city council of any city of the first class, to construct a main, or principal sewer, of large capacity, having a sectional area greater than fifty square feet, it may be lawful for said city authorities to designate said sewer district, or portion of district, as above specified; and after proceeding as above specified, and subject to all regulations herein provided, and make an assessment for such district or portion of district, so specified, and in which said main or principal sewer shall have been constructed under the provisions of this act, of one-fourth of the entire cost of the construction of the same, with its necessary appurtenances, inlets, etc., and to be assessed per front foot on each side of any street, lane, alley, common, market space, or public landing, of said city, as a charge for the work and expenses in and for constructing of said main or principal sewer, said costs and expenses to be collected, as specified in section three of this act, the balance, or one-half of the entire cost of said sewer, to be paid out of the general fund of said city.

Assessment.

Proviso.

Sec. 2. That sections one, two, three and four of said act, passed

April 12, 1861, are hereby repealed, and this act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 14, 1864.

AN ACT

To amend sections one and three of an act entitled "an act to provide for the election of county recorders, and prescribing their duties," passed February 25th, 1831, and to repeal certain statutes amendatory thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and three of an act entitled "an act to provide for the election of county recorders, and prescribing their duties," passed February 25th, 1831, be amended so as to read as follows:

Section 1. That there shall be elected, in each county in the state, on the second Tuesday of October triennially, a county recorder, who shall hold his office for three years, if he so long behave well. That all county recorders hereafter elected shall take possession of their offices on the first Monday in January next after their election, and hold the same for three years, and until their successors shall be elected and qualified; and all county recorders now in office shall continue to hold such offices until the first Monday in January next after their successors shall have been elected.

County recorder to hold his office for three years.

Sec. 3. In case the office of recorder shall become vacant by reason of death, resignation, removal, or otherwise, the commissioners of the county in which such vacancy occurs, shall appoint a recorder to fill such vacancy, and the recorder thus appointed shall give bond, and be qualified, and discharge all duties, and receive the emoluments of said office as prescribed by law; and he shall hold such office until his successor shall be elected and qualified; and such successor shall be elected at the first annual election that occurs more than fifteen days after such vacancy shall have happened; and the term of office of the person so elected shall commence on the first Monday of January next after his election, and he shall hold his office for three years, and until his successor shall be elected and qualified.

County commissioners to fill vacancies.

SEC. 2. That original sections one and three of the act, to which this act is an amendment (S. and C. Statutes, p. 1273), and the act entitled "an act to amend the act to provide for the election of county recorders, and prescribing their duties," passed June 9, 1832 (Swan and Critchfield's Statutes, page 1275), and the act entitled "an act to amend the act entitled 'an act to provide for the election of county recorders, and prescribing their duties,'" passed February 29th, 1836 (Swan and Critchfield's Statutes, page 1275), be and the same are hereby repealed.

Sections repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 14, 1864.

AN ACT

To regulate the compensation of sheriffs for keeping and providing for prisoners in jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one, entitled "an act regulating the compensation of sheriffs for keeping and providing for prisoners in jail," passed April 19, 1862, be amended so as to read as follows:

Section 1. That the sheriffs of the several counties in this state shall hereafter be allowed such compensation as the county commissioners shall from time to time allow, not exceeding forty cents per day, for keeping and providing for prisoners in jail, and it is made the duty of the county commissioners annually at their June session to review and fix the price of keeping and providing for said prisoners, and cause the same to be entered on the records of their proceedings.

Compensation of sheriffs for keeping prisoners.

SEC. 2. The act to regulate the compensation of sheriffs for keeping and providing for prisoners in jail, passed April 19, 1862, is hereby repealed, and this act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 14, 1864.

AN ACT

Requiring courts of this state in certain cases to certify suits and prosecutions to the district courts of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any court in this state, against any officer, civil or military, or against any other person, for any arrest or imprisonment made, or other trespasses and wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue, or under color of any authority derived from, or exercised by or under the president of the United States or any act of congress, and the defendant shall file a petition in such state court for the removal of the cause for trial at the next circuit court of the United States, to be held in the district where the suit is pending, and in filing said petition, shall in all things comply with the provisions of the fifth section of an act of congress, approved March 3, 1863, entitled "an act relating to habeas corpus and regulating judicial proceedings in certain cases," it shall be the duty of any such state court to proceed no further in such cause or prosecution; and it shall also be the duty of such state court to cause said suit or prosecution to be certified to the next circuit court of the United States to be holden in the district where such suit is pending, in accordance with the provisions of the act of congress above referred to.

State courts to certify suits and prosecutions to district courts of United States in certain cases.

SEC. 2. *Be it further enacted*, That whenever any court of this state shall refuse or neglect to comply with the provisions of this act, the supreme court, on application of the party aggrieved, is hereby

Executors or administrators may make such requisition.

SEC. 2. That any surety or sureties—or in case of his or their death, then his or their executors or administrators—may in like manner make such requisition of the creditor or creditors, or his or their executors and administrators, as hereinbefore provided, may be made by a surety or sureties of his or their creditor or creditors; and in case of failure of the executors or administrators so to proceed, such requisition as aforesaid being duly made, the surety or sureties, his or their executors or administrators, making the same, shall have the same relief as is hereinbefore provided for a surety or sureties, when his or their creditor or creditors shall be guilty of a similar failure.

Guardians, trustees, executors, etc., exempt.

SEC. 3. That nothing in this act contained shall be so construed as to affect bonds, required by law, to be given by guardians, executors, administrators, trustees of an express trust, public officers, or any bond or undertaking required by law to be given in any action or legal proceeding, now pending, or that may hereafter be commenced, in any of the courts of this state.

Whose rights not affected.

SEC. 4. That the rights and remedies of any creditor or creditors, against any principal debtor or debtors, shall in nowise be affected by this act; nor shall this act in anywise interfere with or affect the rights and remedies of surety or sureties against his or their principal debtor or debtors now provided by law, but shall be deemed and held to be in addition to all such rights and remedies.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 29, 1864.

AN ACT

59 O. L. 46.

To amend the third section of an act entitled "an act for the appointment of pay-agents," passed April 14, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the "act for the appointment of pay-agents," passed April 14, 1862, be so amended as to read as follows:

Governor may make regulations for pay-agents; and discharge them. Compensation. Accounts how certified and paid. Proviso.

SEC. 3. That the pay-agents provided for in this act shall be governed by such regulations as the governor may make, and by such orders and directions as he shall give them, and they may be discharged at any time at his pleasure. They shall be paid all necessary traveling expenses, and such compensation as the governor shall deem just and proper, not exceeding three dollars and fifty cents for each day's time they are actually employed. Their accounts for expense and compensation shall be certified to the auditor by the governor, and be paid out of the treasury: Provided, that all claims arising under this act shall be sworn to by the agent claiming the same, which claim shall exhibit items of expense and the number of days actually employed, and shall be accompanied by a full and complete report of all doings of each agent for the number of days for which pay shall be claimed, and give a full account of all moneys received by him, showing from whom

received and to whom paid or forwarded, and the amount, if any, remaining in his hands, and to whom the same belongs; and no accounts for expense or compensation shall be certified by the governor until such statement is made and sworn to by the person claiming the same.

Repeal.

SEC. 2. That the third section of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

AN ACT

To provide for the erection of a building for insane convicts confined in the Ohio penitentiary.

Building for insane convicts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the warden and directors of the Ohio penitentiary are hereby authorized and directed to provide for the erection of a building on the penitentiary grounds, with capacity sufficient to accommodate not less than twenty-four (24) or more than thirty (30) insane convicts.

How built.

SEC. 2. The entire building shall be well and substantially built with stone, brick and iron, with special reference to economy, and the safe keeping and comfort of such convicts. They are further directed to have a due regard to proper ventilation, dryness of cells, health of inmates, &c., as well as to durability.

Convict labor.

SEC. 3. They shall have power to execute, by convict labor, a part or the whole of the work contemplated by this act, as in their opinion will be conducive to the best interest of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts, in one or more daily newspapers of general circulation printed in the city of Columbus, one in Cleveland, and one in the city of Cincinnati, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisements shall contain proposals for the completion of each separate parcel, or for the entire work, as the case may be, and all bids received shall be opened on the day advertised, in the presence of the warden and directors, or a majority of them, and not otherwise.

Contracts.

SEC. 4. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time, when to be completed, material to be used, &c. Every contracting party shall give bond, with good and sufficient security, for the performance of his contract. In cases where two or more bidders are equal and none lower, the warden and directors are empowered to decide which shall take the contract.

Bond, with security.

SEC. 5. Said warden and directors are hereby empowered to hire out to contractors, convict labor, upon such terms, and to such extent, as will best subserve the interests of the state.

May hire out convict labor to contractors.

Executors or administrators may make such requisition.

SEC. 2. That any surety or sureties—or in case of his or their death, then his or their executors or administrators—may in like manner make such requisition of the creditor or creditors, or his or their executors and administrators, as hereinbefore provided, may be made by a surety or sureties of his or their creditor or creditors; and in case of failure of the executors or administrators so to proceed, such requisition as aforesaid being duly made, the surety or sureties, his or their executors or administrators, making the same, shall have the same relief as is hereinbefore provided for a surety or sureties, when his or their creditor or creditors shall be guilty of a similar failure.

Guardians, trustees, executors, etc., exempt.

SEC. 3. That nothing in this act contained shall be so construed as to affect bonds, required by law, to be given by guardians, executors, administrators, trustees of an express trust, public officers, or any bond or undertaking required by law to be given in any action or legal proceeding, now pending, or that may hereafter be commenced, in any of the courts of this state.

Whose rights not affected.

SEC. 4. That the rights and remedies of any creditor or creditors, against any principal debtor or debtors, shall in nowise be affected by this act; nor shall this act in anywise interfere with or affect the rights and remedies of surety or sureties against his or their principal debtor or debtors now provided by law, but shall be deemed and held to be in addition to all such rights and remedies.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 29, 1864.

AN ACT

59 O. L. 46.

To amend the third section of an act entitled "an act for the appointment of pay-agents," passed April 14, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the "act for the appointment of pay-agents," passed April 14, 1862, be so amended as to read as follows:

Governor may make regulations for pay-agents; and discharge them. Compensation. Accounts how certified and paid. Proviso.

SEC. 3. That the pay-agents provided for in this act shall be governed by such regulations as the governor may make, and by such orders and directions as he shall give them, and they may be discharged at any time at his pleasure. They shall be paid all necessary traveling expenses, and such compensation as the governor shall deem just and proper, not exceeding three dollars and fifty cents for each day's time they are actually employed. Their accounts for expense and compensation shall be certified to the auditor by the governor, and be paid out of the treasury: Provided, that all claims arising under this act shall be sworn to by the agent claiming the same, which claim shall exhibit items of expense and the number of days actually employed, and shall be accompanied by a full and complete report of all doings of each agent for the number of days for which pay shall be claimed, and give a full account of all moneys received by him, showing from whom

received and to whom paid or forwarded, and the amount, if any, remaining in his hands, and to whom the same belongs; and no accounts for expense or compensation shall be certified by the governor until such statement is made and sworn to by the person claiming the same.

Repeal.

SEC. 2. That the third section of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

AN ACT

To provide for the erection of a building for insane convicts confined in the Ohio penitentiary.

Building for insane convicts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the warden and directors of the Ohio penitentiary are hereby authorized and directed to provide for the erection of a building on the penitentiary grounds, with capacity sufficient to accommodate not less than twenty-four (24) or more than thirty (30) insane convicts.

How built.

SEC. 2. The entire building shall be well and substantially built with stone, brick and iron, with special reference to economy, and the safe keeping and comfort of such convicts. They are further directed to have a due regard to proper ventilation, dryness of cells, health of inmates, &c., as well as to durability.

Convict labor.

SEC. 3. They shall have power to execute, by convict labor, a part or the whole of the work contemplated by this act, as in their opinion will be conducive to the best interest of the state, and shall complete the remaining portion, or the whole, as the case may be, by dividing the same into suitable parcels, and advertising for sealed proposals for contracts, in one or more daily newspapers of general circulation printed in the city of Columbus, one in Cleveland, and one in the city of Cincinnati, for not less than three consecutive weeks before the time when such contracts are proposed to be let; and such advertisements shall contain proposals for the completion of each separate parcel, or for the entire work, as the case may be, and all bids received shall be opened on the day advertised, in the presence of the warden and directors, or a majority of them, and not otherwise.

Contracts.

SEC. 4. All contracts shall be let by said warden and directors to the lowest responsible bidder, and shall specifically set forth the work contracted to be done, style, time, when to be completed, material to be used, &c. Every contracting party shall give bond, with good and sufficient security, for the performance of his contract. In cases where two or more bidders are equal and none lower, the warden and directors are empowered to decide which shall take the contract.

Bond, with security.

SEC. 5. Said warden and directors are hereby empowered to hire out to contractors, convict labor, upon such terms, and to such extent, as will best subserve the interests of the state.

May hire out convict labor to contractors.

auditor shall appoint some suitable person, resident of the township or school district, to make such report, who shall receive his compensation in the same manner for said service as is allowed to those officers by law, for like services.

SEC. 6. That section forty-four of said act shall be so amended as to read as follows:

Sec. 44. It shall be the duty of the probate judge, in the several counties of this state, as soon after the election of school officers, under the provisions of this act, as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, who shall hold their office for the term of two years, and until their successors are appointed: provided, the said probate judge may at any time revoke the appointment of any school examiner, upon evidence being filed with him, that said examiner is guilty of immorality of conduct, or habitual neglect of duty; and said probate judge shall forthwith give said examiner written notice of his action, setting forth in said notice the reasons therefor; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge; and it shall be the duty of the probate judge, within ten days after the appointment of school examiners, to report the names and residence of the appointees to the state commissioner of common schools.

Appointment of examiner may be revoked.

Names of appointees to be reported to the commissioner.

SEC. 7. That section forty-five of said act be so amended as to read as follows:

Sec. 45. It shall be the duty of the examiners to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties as will in their opinion best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation in their respective counties; and at such meetings, any two of said board shall be competent to examine applicants and grant certificates; and as a condition of examination, each male applicant for a certificate shall pay the board of examiners a fee of fifty cents, and each female applicant a fee of thirty-five cents; and all the money received by the examiners on said fees, shall be paid over quarterly to the county treasurer, with a statement of the number of applicants, male and female, examined; and all money so paid over to the county treasurer by the board of examiners, shall, after paying, on the order of the county auditor, the necessary traveling expenses of said examiners, and the cost of revenue stamps for certificates, be set apart as a fund for the support of teachers' institutes, as hereafter provided in this act, and shall be used for no other purpose: provided, that the number of meetings held by said board of examiners for the examination of teachers, shall not, in any one year, exceed eighteen. No certificate of qualification shall be valid in any county except that in which the examination took place, nor for a longer period than two years, nor for a less period than six months; and if at any time the recipient of the certificate shall be found incompetent or negligent, the examiners, or any two of them, may revoke the same, and require such teachers to be dismissed; but such teachers shall be entitled to receive payment for services only up to the time of such dismissal; and no person shall be employed as a teacher in any primary common school, unless such person shall have first obtained from said examiners, or any two of them, a certificate of good moral character, and that he or

Fees of applicants for teacher's certificate.

—the same to be paid over to county treasurer.

Fund for teachers' institutes.

Number of meetings held by board.

No certificate to be given valid for less than six months.

she is qualified to teach orthography, reading, writing, arithmetic, geography, English grammar, and possesses an adequate knowledge of the theory and practice of teaching; and in case such person intends to teach in any common school of higher grade, he or she shall first obtain a certificate of the requisite qualifications in addition to the branches aforesaid; and no certificate issued by county examiners, or by the local board of examiners in any city or town of the state, organized and governed by the provisions of this act, or any other act, shall be valid, unless such certificate contain a statement of the time during which it shall be valid; and it shall be unlawful for any board of education, clerk or recorder, of any city, town or township of the state, to draw an order on the treasurer for the payment of a teacher for services, unless said teacher shall have first filed with said board of education, clerk, or recorder, a legal certificate of qualification, or a true copy thereof, covering the entire time of the services for the payment of which such order is drawn.

Requirements for a certificate.

Certificates issued by local board must be given for a definite time.

When orders for teachers' pay are illegal.

SEC. 8. That section forty-six of said act be so amended as to read as follows:

Sec. 46. The said board of examiners shall appoint one of their number to serve as clerk, who shall keep a record of their proceedings, noting the number and date of each certificate given, to whom, for what term of time, for what branches of studies; and said board may make all needful rules and regulations for the proper discharge of their duties. The members of the board shall be entitled to receive each two dollars for every day necessarily engaged in official service, to be paid out of the county treasury, on the order of the county auditor, exclusive of blank books and stationery, which the county auditor shall furnish; and the county auditor may require the accounts, when presented, to be substantiated on oath, which said officer may administer and file in his office. It shall be the duty of the clerk of said board of examiners to prepare and forward to the state commissioner of common schools, on or before the first day of October, a statement of the number of examinations held by the board, the number of applicants examined, the number of certificates granted and for what length of time, the amount of fees received and paid over to the county treasurer, the amount received of the county by the board for their services, and such other important statistics and information in relation to their duties as the commissioner of common schools may require. In case the clerk shall fail to make such annual statement, it shall be the duty of the county auditor to deduct from his annual allowance or compensation for his services, the sum of fifteen dollars. It shall further be the duty of the local board of examiners, in any city or town, to make annually, to the commissioner of schools, such a statement of their proceedings as is required of county examiners by the provisions of this section.

Examiners allowed two dollars a day.

Examiners' annual report to school commissioner.

Penalty against clerk of board.

Report required of local examiners.

SEC. 9. That section sixty-one of said act be so amended as to read as follows:

Sec. 61. The local boards of education, or other school officers having charge of common schools, are hereby authorized and required, in order to secure the preservation of said books, to collect and consolidate them into one central library, and to provide for the same a suitable book-case, with lock and key, and to make all other arrangements necessary for the safe keeping of the books: Provided, that when the people of the sub-districts desire a distribution of the books to said sub-districts, and responsible persons therein are willing to act as libra-

Central township libraries.

Conditions of distribution of books to sub-districts.

rians, a portion of the books in the central or township library may be divided and distributed to said sub-districts; but the books so distributed shall be returned to the central library within six months thereafter, when another division and distribution of the books may be made. The township or local boards of education shall have power to keep said libraries in good condition, with the original number of books—to prescribe the time of taking and the period of returning the books to the libraries, and also to assess and collect the damages which may be done to the books by persons entitled to their use, and also to provide for the safe-keeping of the school apparatus; and said boards of education shall be held accountable for the preservation of the libraries and apparatus committed to their care and keeping.

Libraries to be kept in good condition.

Board accountable for their preservation.

All treasurers must file certificate of bond with county auditor.

SEC. 10. It shall be the duty of the treasurer of any school district in the state, or the treasurer of any board of education of any city or town, under any law of the state, to furnish the auditor of his county with a certificate from the clerk, recorder, or board of education, of such city, town, or district, stating that said treasurer has executed and deposited the requisite bond, and stating also the amount of such bond, as is required by the provisions of this act, of township treasurers; and the auditor shall in no case permit said treasurer to have in his hands, at any one time, an amount of school funds over one-half the amount of the penalty in such bond; and it shall be the further duty of said treasurer to make an annual settlement with the county auditor, and to prepare and forward to him an annual statement of the receipts and disbursements of school funds, as is required by this act, of township treasurers.

Annual settlement and report.

Compensation of clerk and treasurer.

SEC. 11. Township trustees may allow the township clerk the same compensation out of the township treasury for preparing the annual returns of the board of education to the county auditor, and for issuing orders upon the township treasurer for the payment of teachers, and other similar clerical duties, as is allowed for other services of like nature; and boards of education in cities and towns, under any law of the state, may also allow the clerk and treasurer of said board a reasonable compensation for the discharge of those duties for which township clerks and treasurers are allowed compensation by the provisions of this act; but it shall be unlawful for any member of any board of education, organized under any law of this state, to receive any compensation for his services as member of said board, or to apply any money coming into his hands, for the benefit of schools, to his own use; and any person violating either of the provisions of this section, shall be liable to be prosecuted therefor, in a civil action to be instituted in the name of the state of Ohio, before any court having competent jurisdiction, and if found guilty in such action, shall be ordered and adjudged by such court to pay any sum not less than the amount of the compensation so unlawfully received, or the money so unlawfully applied, not exceeding twice any such sum; and all moneys collected under the provisions of this section shall be paid into the treasury of the township in which the action shall have originated, for the use of common schools in the township

Members of board not entitled to compensation.

Penalty.

How appointed.

SEC. 12. It shall be the duty of the state commissioner of common schools to appoint a state board of examiners, to consist of three competent persons, resident in the state, who shall hold their office for two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur, by death, resignation, or otherwise, shall be filled by appointment, by said commissioner, for the un-

expired term. The state board of examiners thus constituted are hereby authorized to issue state certificates of high qualification to such teachers as may be found upon examination to possess requisite scholarship, and who may also exhibit satisfactory evidence of good moral character, and of eminent professional experience and ability. All certificates issued by said state board of examiners shall be countersigned by the commissioner of common schools, and such state certificate shall supersede the necessity of any and all other examinations of the persons holding them, by county or local boards of examiners, and such certificates shall be valid in any county, city, town, or school district of the state during the life-time of the holder, unless revoked by said state board of examiners. Each male applicant for a state certificate shall pay to the board of examiners a fee of three dollars, and each female applicant a fee of two dollars.

To whom state certificates may be granted.

Valid in any county or district.

Fees.

SEC. 13. In every county of the state in which an association of teachers of common schools, called a teachers' institute, has been or may hereafter be formed, the treasurer of said county is hereby required to pay over to the committee of said institute, upon the order of the county auditor, such sum of money belonging to the fund arising from the means and sources as provided in the seventh section of this act, as may not have been previously appropriated: Provided, that no part of the money shall be ordered by the county auditor to be paid over, except upon the petition of at least forty practical teachers, resident of the county, who shall therein declare their intention to attend such institute; and it shall be the duty of the officers of every such teachers' institute to report, within thirty days after every meeting of the same, to the state commissioner of common schools, the number of teachers in attendance, the names of the instructors and lecturers, an account of the moneys received and expended by them, and such other information relating to the institute as the school commissioner may require.

Fund for teachers' institute to be paid over on petition of forty teachers.

Report to school commissioner required.

SEC. 14. When an association of teachers of common schools, called a teachers' institute, has been formed by the teachers of two or more contiguous counties, it shall be the duty of the auditor and treasurer of each of the counties so united, to appropriate money for the support of such institute, from the same funds, and in the same manner as is required in the preceding section: Provided, that no such appropriation shall be made except upon the petition of at least thirty practical teachers, resident of the county, who shall declare their intention to attend the meeting of said institute; and the officers of said institute shall make a full report of the proceedings of the same to the commissioner of common schools, as is required of the officers of county institutes.

Fund paid over on petition of thirty teachers.

Report.

SEC. 15. A school month shall consist of four weeks, and it shall be the duty of boards of education, and other local school officers, in making the annual returns of statistics to county auditors, required by this act, and the acts to which it is amendatory, to report the length of the terms of schools in weeks and fractional parts thereof.

Length of school month.

SEC. 16. The board of education of any city or incorporated village, organized and governed as to schools by the provisions of this act, or the acts to which this is amendatory, and which with the territory annexed contains not less than one thousand inhabitants, shall have the authority to exclude from the common schools in such city or village all children under the age of six years.

SEC. 17. That sections twenty-two, twenty-eight, twenty-nine, thirty-one, forty, forty-four, forty-five, forty-six, and sixty-one of "an

act to provide for the reorganization, supervision, and maintenance of common schools," passed March 14, 1853, sections six and eight of "an act to amend and supplementary to the act aforesaid," passed April 17, 1857, section four of "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, and "an act to prohibit members of boards of education from receiving compensation for their services," passed April 29, 1862, and that so much of section nine of "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, as reads as follows, to wit: "That the amount of taxes hereafter to be assessed to defray the expenses for school and school-house purposes, shall not in any one year exceed two and one-half mills," be and the same are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 18, 1864.

AN ACT

59 O. L. 3.

To amend the fifth section of an act entitled "an act to authorize the banks temporarily to suspend specie payments, and to receive and pay out United States demand notes," passed January 16th, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifth section of an act entitled "an act to authorize the banks temporarily to suspend specie payments, and to receive and pay out United States demand notes," passed January 16th, 1862, be amended so as to read as follows:

What notes state and county treasurers shall receive and pay out.

Sec. 5. The notes of the United States, the notes of the solvent national banks organized under the act of congress, approved February 25, 1863, and the notes of solvent banks of this state, shall be received by the several county treasurers, and the treasurer of state, and the same disbursed by them, in payment of all legal demands on state and county treasuries.

SEC. 2. That original section five, which by this act is amended, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 21, 1864.

AN ACT

To amend section three of "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the third section of the act entitled as aforesaid, be and hereby is amended so as to read as follows:

Sec. 3. That all property described in this section to the extent herein limited, shall be exempt from taxation, that is to say:

Public property exempt from taxation.

1st. All public school-houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning of this state: provided, nevertheless, that all leaseholds or other estates or property whatsoever, real or personal, the rents, issues, profits and income of which have been or hereafter shall be given to any city, town, village, school district or sub-district, in this state, exclusively for the use, endowment or support of schools for the free education of youth without charge, are and shall be exempt from taxation so long as such property, or the rents, issues, profits and income thereof shall be used and applied exclusively for the support of free education by such city, town, village, district or sub-district.

Proviso.

2d. All lands used exclusively as graveyards or grounds for burying the dead, except such as are held by any person, or persons, company or corporation, with a view to profit, or for the purpose of speculating in the sale thereof.

3d. All property, whether real or personal, belonging exclusively to the state or the United States.

4th. All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres, on which such buildings are erected.

5th. All lands, houses, and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.

6th. All buildings belonging to institutions of purely public charity, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions.

7th. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein.

8th. All market-houses, public squares, or other public grounds, town or township houses or halls, used exclusively for public purposes, and all works, machinery and fixtures belonging to any town, and used exclusively for conveying water to such town.

Fifty dollars of personal property exempt.

9th. Each individual in this state may hold exempt from taxation personal property of any description of which said individual is the actual owner, not exceeding fifty dollars in value; no person shall be

required to list a greater portion of any credits than he believes will be received, or can be collected, nor any greater portion of any obligation given to secure the payment of rent, than the amount of rent that shall have accrued on the lease, and shall remain unpaid at the time of such listing; no person shall be required to include in his statement as a part of the personal property, moneys, credits, investments in bonds, stock, joint stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and property for taxation in this state. The taxes upon banks, banking companies, and all other joint stock companies, or corporations, of whatever kind, levied and collected in pursuance of the provisions of this act, shall be in lieu of any taxes which such banks or banking company, or other joint stock company was, by former laws, required to pay.

SEC. 2. That section three of the act entitled as aforesaid, be and the same is hereby repealed; and this act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 21, 1864.

AN ACT

Concerning the mode of trial in certain criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when two or more persons are jointly indicted for any offense, the punishment whereof is imprisonment in the penitentiary, each person so indicted shall, on application to the court for that purpose, be separately tried.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

AN ACT

Making appropriations for the year 1864.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums in addition to former appropriations, be and the same are hereby appropriated, out of any money belonging to the general revenue, to be paid according to law, viz:

STATE SALARIES AND EXPENSES.

Officers in state departments.

For the payment of the salaries of the governor, auditor of state, secretary of state, treasurer of state, attorney general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, librarian,

private secretary of the governor, superintendent of the state house, and supervisor of public printing, the sum of twelve thousand dollars.

General assembly.

For the payment of the lieutenant-governor, members of the general assembly, their clerks and assistants, sergeants-at-arms and assistants, and messengers, under resolutions of the senate and house, fifty thousand dollars.

Judges.

For the payment of the salaries of the judges of the supreme court, courts of common pleas and superior courts, seventy thousand dollars.

Clerks of state officers.

For the payment of clerks in the office of the auditor of state, eleven thousand dollars.

For the payment of clerks in the office of the treasurer of state, thirty-seven hundred dollars.

For the payment of clerks in the office of secretary of state, seventeen hundred dollars. Seals and presses, ten dollars. Carpet for room of secretary of state, two hundred and fifty dollars.

For the payment of clerks in the office of the comptroller of the treasury, three thousand dollars.

For the payment of the salary of a clerk in the office of the state school commissioner, one thousand dollars.

STATE HOUSE.

State house.

For the ordinary expenses in taking care of the state house and grounds, and preparing the halls for the general assembly, fifteen hundred dollars.

For shelving and repairs of the room adjoining the senate chamber, for the use of the library, one hundred and fifty dollars.

For the purchase of two new flags for the state house during the session of the legislature, eighty dollars.

For the payment of the engineer, and laborers, and other expenses of the heating apparatus, twelve hundred dollars.

For repairs of engine, boiler, and other apparatus, connected therewith, three hundred dollars.

For the purchase of fuel for warming the state house, three thousand dollars.

For carpet, matting, oil cloth, mat and rug, for house of representatives, fifteen hundred and seventy dollars, to be paid on the order of the superintendent of public buildings.

For the payment for gas for lighting the state house, four thousand dollars.

For carpet, matting, oil cloth, mat and rug for senate chamber, and clerk's office, eleven hundred and seventy-seven dollars and fifty one-hundredths.

SUPREME COURT.

Messenger and crier of supreme court.

For the payment of messenger of supreme court, eight hundred dollars.

For the payment of the crier of the supreme court, one hundred and fifty dollars.

TREASURERS' MILEAGE.

Mileage of county treasurers.

For the payment of the mileage of county treasurers, in settling with the auditor of state, three thousand six hundred dollars. Hereafter the mileage paid to county treasurers shall be at the rate per mile now allowed by law, computing by the most direct route of public travel from the county seat to and from the capitol of the state.

O. S. reports. For the purchase of the Ohio state reports, fourteen hundred dollars.

LIBRARY.

Library. For the purchase of books, magazines and newspapers for the state library, one thousand dollars.

Distribution of laws and journals. For the distribution of laws and journals, one hundred dollars.

STATIONERY AND PRINTING.

Stationery. For stationery and blank books, including printing, paper and articles necessary for the general assembly, thirty-five thousand dollars.

Printing. For the payment of the cost of printing for the state, ten thousand dollars.

Binding. For payment for binding for the state, five thousand dollars.

NIGHT-WATCH.

Night-watch at state house. For the payment of night-watch at the state house, employed by the treasurer of state, six hundred dollars. Said night-watch shall also discharge the general duties of night-watch at the state house.

TRUSTEES.

Benevolent institutions. For the payment of the expenses of the trustees of the benevolent institutions, six hundred dollars.

CONTINGENT FUND.

Contingent funds of governor and state officers. For the governor's civil contingent fund, fifteen hundred dollars.

For the payment of the contingent expenses of the different officers and departments of the state government, except the civil contingent fund of the governor, the sum of five thousand dollars; to be paid out upon the allowance and auditing, the several items and amounts, by the auditor of state, and in strict accordance with section five of this act; but no money shall be paid therefrom for the traveling expenses of the commissioner of common schools.

AGRICULTURAL.

State board of agriculture. For the state board of agriculture, the proceeds of show licences and escheated lands that have or may come into the state treasury, after deducting from said proceeds the amount of any balance which may remain of any money heretofore paid to said board on account of sales of escheated lands in Wyandot county, belonging to the estate of John Tcherter, alias John Merryman, together with the interest thereon as refunded to the purchasers of said land.

PUBLIC WORKS.

Salaries, etc. To pay for the construction of a drain ditch adjoining Lewistown reservoir, twenty-five hundred dollars.

For the payment of an old balance due on superintendence account on the third division of the public works, fifty dollars.

For the payment of the salaries of the members of the board of public works, three thousand dollars.

For the payment of the salaries of the resident engineers on the public works, two thousand dollars.

To pay for lands purchased and for lands condemned, for the use of the Lewistown reservoir, and for accruing damages to lands partially submerged by the same reservoir, seven thousand five hundred dollars.

For the payment of the expenses in assessing damages, appraising land owned by the state, incidental expenses of the office of the board of public works, and attorneys' fees, fifteen hundred dollars.

MILITARY.

Governor's military contingent fund.

For the governor's extraordinary military contingent fund, out of which, among other payments, he is to pay all nurses, volunteer surgeons, assistant surgeons, and for the removal of sick and wounded soldiers of Ohio, one hundred thousand dollars; provided, that the governor is hereby authorized to extend to Ohio soldiers serving in regiments of other states, or in the regular service, who were, at the time of their enlistment, residents of this state, all the rights and benefits conferred on Ohio volunteers by this act.

Staff.

For the payment of the salaries of the governor's staff, three thousand dollars.

Clerks.

For the payment of clerks and assistant adjutant-general, in the office of the adjutant-general, twelve thousand dollars.

For the payment of clerks in the office of the quartermaster-general, seven thousand six hundred dollars.

Transportation.

For deficit for the transportation to and from camps of instruction, under the "act to organize and discipline the militia of Ohio," the sum of fifty thousand five hundred and fifty dollars.

For transportation of rejected recruits from camps of muster to their homes, five thousand dollars.

GETTYSBURG CEMETERY.

Cemetery ground at Gettysburg.

For the payment of this state's proportion of the purchase and improvements of cemetery ground at Gettysburg, fifteen thousand dollars.

STATE ARSENAL.

State arsenal.

For the payment of laborers at arsenal and armory, twelve thousand seven hundred and twenty-nine dollars. Tools, fuel and materials for arsenal, six hundred dollars. Rent of building for armory, two hundred dollars.

For the payment of expenses in completing the improvement at the state arsenal, to wit: excavation in finishing inclosure-wall, material, work, drains with sinks, and grates; iron sheds for artillery, four iron gates, sidewalks and gutter, six thousand eight hundred and twenty dollars. The balance of appropriations remaining in the treasury for laboratory purposes, shall, and is hereby ordered to be transferred to the credit of this appropriation to the extent thereof.

Quartermaster-general's office.

For furniture for quartermaster-general's office, the balance of appropriations remaining on safe, book-case, carpet, railing, and chairs, out of which shall be paid the account of J. D. Osborn & Co., of ninety-two dollars and twenty-four one-hundredths, on carpet bought for the quartermaster-general's office.

Pay-agents.

For the payment of the per diem of pay-agents, and expenses under the provisions of the law in relation to pay-agents, ten thousand dollars.

Military committees.

For the payment of accounts of military committees for expenses incurred in printing, and actual expenses, by orders from the governor, fifteen hundred dollars.

Families of volunteers.

For the relief of the families of volunteers in the state or United States' service, a sum not exceeding the amount that may come into the treasury for that purpose.

Claim-agents

For the payment of the salaries of claim-agents appointed by the governor under the laws of this state, seven thousand two hundred dollars.

Claims.

For the payment of claims allowed under the act of April 13, 1863, entitled "an act to provide a board of commissioners to examine certain military claims, and making appropriation for their payment," the sum of forty thousand dollars.

For the payment of claims allowed under the act of May 1st, 1862, one thousand dollars.

TRANSPORTATION.

Transportation.

There is hereby appropriated, of the money that has been or may be received from soldiers and others, by quartermaster-general, to pay like transportation during the current fiscal year, and the first quarter of 1865, the sum of one hundred and fifty thousand dollars; to be paid upon warrant on the state treasury, as in other cases; and the quartermaster-general is hereby required to pay into the state treasury all moneys received by him on account of such transportation, from whomsoever the same may have been received. The quartermaster-general shall make his payments of this fund monthly into the treasury, of money so received, and payment shall be made from the treasury upon accounts upon which the governor or quartermaster-general shall have endorsed his approval.

The quartermaster-general shall give bond in the sum of fifty thousand dollars, to the acceptance of the auditor of state, for the faithful discharge of his official duties, and for the paying over of all moneys that may come into his hands by virtue of this employment by the state, which bond shall be deposited with the treasurer of state.

OHIO VOLUNTEER MILITIA.

Arms, etc., for militia.

For the purchase of accoutrements and equipments connected with arming of the Ohio volunteer militia, the sum of forty thousand dollars, to be paid upon bills allowed by the governor and countersigned by the quartermaster-general.

NATIONAL ROAD.

National road.

That there is hereby appropriated for superintendence and repairs of the national road, for two years commencing with the 15th of February, 1864, and ending 15th of February, 1866, whatever sums may be collected and paid into the state treasury to the credit of the national road fund during said period, together with the amount remaining unexpended from the collections of the two years previous applicable to that fund.

PRESIDENTIAL ELECTION.

Presidential election.

For the payment of the necessary expenses of the presidential election in 1864, according to the requirements of law and incident thereto, ten thousand dollars.

OHIO PENITENTIARY.

Ohio penitentiary.

For the per diem and expenses of the directors of the Ohio penitentiary, eight hundred dollars.

For the payment of the salaries of warden, steward, deputy warden, physician, clerk, chaplain, and matron of the Ohio penitentiary, five thousand five hundred dollars.

For the payment of guards or assisstant keepers at the penitentiary, twenty-eight thousand dollars.

For the purchase of arms for guards of penitentiary, four hundred dollars.

For the payment of the current expenses of the penitentiary, seventy-eight thousand dollars.

For the payment of discharged convicts, fifteen hundred dollars.

For the purchase of books for the prison library for convicts and day-school, six hundred dollars.

For enlargement and repairs at the penitentiary, twenty-five hundred dollars.

For refunding to convicts moneys received into the treasury for overwork, a sum not exceeding the amount so received.

For the payment of costs of prosecution and transportation of convicts to the Ohio penitentiary, ten thousand dollars.

CENTRAL OHIO LUNATIC ASYLUM.

Benevolent institutions.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the central Ohio lunatic asylum, twenty-eight hundred dollars.

For the payment of the moral instructor, and for the purchase of books and pictures, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, thirty-six thousand dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio lunatic asylum, twenty-three hundred dollars.

For the payment of the moral instructor, and for the purchase of books and pictures, two hundred dollars.

For provisions, and the necessary current expenses and repairs of said asylum, thirty-three thousand dollars.

For the improvement of steam heating apparatus, three thousand dollars.

For library, two hundred dollars.

NORTHERN LUNATIC ASYLUM.

For payment of the salaries of the superintendent, assistant physician, steward and matron of the northern Ohio lunatic asylum, twenty-three hundred dollars.

For the payment of the moral instructor, and for the purchase of books and pictures, two hundred dollars.

For the purchase of provisions, and for the necessary current expenses of said asylum, thirty-two thousand dollars.

For altering and repairing steam-pipes and hot-air chambers, one thousand dollars.

For floors in hall and chapel, five hundred dollars.

DEAF AND DUMB ASYLUM.

For the payment of the salaries of the superintendent, steward, matron, physician, and teachers of the asylum for the deaf and dumb, seven thousand dollars.

For the purchase of provisions, and for other necessary expenses and repairs of said asylum, thirteen thousand dollars.

BLIND ASYLUM.

For the payment of the salaries of the superintendent, steward, matron, and teachers of the institution for the education of the blind, six thousand five hundred dollars.

For the purchase of provisions, and for other necessary current expenses and repairs of said institution, twelve thousand dollars.

ASYLUM FOR IDIOTS.

For the payment of the salaries of the superintendent and teachers of the asylum for idiots, nineteen hundred dollars.

For the purchase of provisions and payment of necessary current expenses and repairs of said asylum, four thousand dollars, to be paid in monthly instalments, as in the appropriation act of 1862.

For the payment of feed for stock, four hundred and twenty-five dollars.

For payment of insurance, rent of the buildings and grounds occupied by said asylum, six hundred and seventy-five dollars.

For the payment of expenses of fuel and lights, five hundred and fifty dollars.

For the payment of wages of employees, at said asylum, thirteen hundred and ninety-six dollars.

It shall be the duty of the superintendent of each asylum, on or before the close of each fiscal year, to file with the auditor of state an account of all moneys received at each asylum, for the current year, from pay-patients, giving therein the name of each pay-patient, and the amount paid by each; the amount received from such pay-patients, shall be paid into the treasury to the credit of general revenue.

For the payment of the expenses of committees of the senate and house visiting state institutions and reform farm, two hundred and fifty dollars.

LONGVIEW ASYLUM.

For the Longview asylum, a sum not exceeding twenty thousand dollars; to be computed and ascertained by the auditor of state, agreeably to the provisions of the thirty-third section of the act of February 27, 1861, entitled "an act further to provide for the government of the Longview asylum, and amendatory and supplementary to an act entitled 'an act to constitute the county of Hamilton a separate district for lunatic purposes, and to provide for the erection and government of an asylum therein,'" and the sum hereby appropriated shall be paid on the warrant of the auditor of state, upon like vouchers as in the case of other lunatic asylums.

OHIO REFORM SCHOOL.

For the payment of the salaries of the acting commissioner, teachers, matron, superintendent of shops, and other officers and employees, for the last three quarters of the year, five thousand five hundred and thirty-seven dollars.

For provisions, furniture, clothing, school books, and other necessary expenses for maintaining and educating two hundred and forty boys, thirteen thousand five hundred dollars; to be paid in the manner provided in the appropriation act of 1862.

For the purchase of forty beds and bedding for the new building, six hundred dollars.

For a new bake-house, four hundred dollars.

Common schools.

SEC. 2. There is hereby appropriated, from any moneys raised for the support of common schools, the sum of one million four hundred and fifty thousand dollars, if so much come into the treasury for that purpose, to be distributed and paid in the manner prescribed by law.

SEC. 3. That so much of the appropriation act of April 13, 1863, as appropriates money for the payment of the contingent expenses of the different offices and departments of the state government, except the contingent fund of the governor, is hereby repealed, as to any balance of said appropriation remaining undrawn.

MISCELLANEOUS.

Miscellaneous.

SEC. 4. For the payment of expenses of committees, and other expenses necessarily incidental to investigating, and other committees, created by the senate or house, or by joint resolution, at this session, one thousand dollars; to be audited on the order of the chairman thereof.

For the payment of Cyrus F. McWilliams, for services as clerk of the house of representatives, embracing five days, at three dollars per day, the sum of fifteen dollars, to be audited by the speaker of the house of representatives.

For the payment for and repairs of furniture for house and senate in 1862, '3, and '4, two hundred dollars, to be paid on the certificate of the present sergeant-at-arms of the senate and house respectively.

General limitations.

SEC. 5. No money herein appropriated shall be expended for any other purpose than the specific purpose named in this act; and no money shall be drawn from the several contingent funds in this act appropriated, for the payment of subscription to newspapers, or for the payment of postage, other than required in the official business of this state, or in the payment of any supplies for the personal comfort of those employed in said business, and not necessary for the public service. Nor shall any money be drawn from contingent funds for the payment of clerks in said departments, except in cases where, for merely temporary purposes, additional clerk force may be necessary. Nor shall any person receive pay for employment in more than one capacity, except in cases of which specific appropriation is made in this act; nor shall more than one person be employed to do the duties of messenger and porter for the offices of the auditor and the fund commissioners, one for the offices of comptroller, attorney-general and treasurer, one for the offices of secretary of state, school commissioner, and state library, and one for the office of governor. The compensation of such messengers shall not exceed thirty-five dollars per month, to be paid out of the contingent fund of the several offices aforesaid, in equal proportions. Nor shall any money be drawn from the several contingent funds aforesaid, for the purchase of or payment for stationery used in the several departments of the state government; but it is hereby made the duty of the secretary of state to supply the several state officers all the stationery necessary in the discharge of the duties of their several departments. Nor shall any expenditures be made by any officer of this state, or by the directors of the penitentiary, or trustees or other officers of any of the state institutions, or

any contract made so as to incur any indebtedness or liability on the part of the state, beyond the appropriations named therefor.

SEC. 6. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

AN ACT

To amend an "act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of "an act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9th, 1863, be so amended as to read as follows:

Cities to be divided into sewer districts.

City engineer to make estimate of cost of construction of sewers.

City council may assess tax upon lots and lands.

Assessment to be made by three freeholders.

Section 1. That the city council of any city of the second class having over thirteen thousand inhabitants at the last federal census, may provide by ordinance for the division of said city into sewer districts, in cases where assessments have not been made and confirmed, designating the same by name or number. After sewer districts have been established, the council may at any time direct the city engineer to make an estimate of the costs and expenses of constructing any main sewer, or reconstructing the same, and to report to the council what portion of said costs and expenses is required for main sewerage, and what portion of the same is required for local sewerage, for any lots and lands to which any portion of such main sewer, to be designated by the council, shall serve as a local sewer. And it shall be lawful for the city council to provide for assessing the costs and expenses of such main sewerage upon the lots and lands within the sewer district where the work is to be done, according to the valuation of the same on the county duplicate of the county in which such city is situate, or according to benefits, as they shall determine by ordinance in each case; and to provide for assessing the expenses of such local sewerage upon the feet front of lots and lands by or through which such portion of any main sewer shall pass, or according to the valuation of the same upon the county duplicate aforesaid, or in proportion to benefits upon lots and lands benefited by the local sewerage aforesaid, as they shall determine by ordinance in each case. And if they determine to make an assessment for main or local sewerage, or both, according to benefits, they shall appoint three judicious freeholders, who shall assess the estimated expenses of such main sewerage on all the lots and lands in the sewer district wherein the sewer is to be constructed or reconstructed, in proportion to benefits, and the estimated expense of such local sewerage on such lots and lands as will in their opinion be benefited thereby, whether fronting on the public ground in which the sewer is to be constructed or reconstructed or not, in proportion as nearly as may be to the benefits which may result to each lot or parcel of land. Said assessors shall

make report in writing, specifying the amounts assessed by them upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the council shall direct. After the report is filed, the council shall cause not less than ten days' notice to be given in the official newspaper of the city, of the object of such assessments, and that the same will come before the council for confirmation at a time to be specified in such notice. Objections to the assessments shall be in writing and filed with the city clerk, and objectors may be heard before the city council at the time specified in the notice. The council may set aside such assessments on their own motion, or they may, after hearing objections, confirm the same. If the council set the first or any other assessment aside, they may appoint other assessors of the same qualifications as hereinbefore provided, cause new assessments to be made, and the proceedings shall be the same as is provided for in the first assessment. After making any assessment for main or local sewerage according to valuation, or for local sewerage according to feet front, or after the confirmation of any assessment for main or local sewerage made according to benefits, the council may order such per centage of the assessment for main sewerage as may be necessary to pay the estimated costs and expenses of main sewerage for such portion of any main sewer as the council shall have determined to construct or reconstruct, together with the total assessment for local sewerage for such portion of any main sewer, or the assessments aforesaid by valuation or by the feet front, to be certified to the county auditor of the county in which said city is situate, to be placed on the county duplicate, and collected as other taxes are collected. And such assessments shall be liens on such lots and lands the same as other state and county taxes, and subject to the same penalties if delinquent, and it shall be lawful for the city council to cause said assessments to be collected before the work is done or contracted for.

Report to be filed with city clerk. Council must give ten days' notice of assessment.

Council may set aside or confirm assessment.

Assessment to be placed on county duplicate, and collected as other taxes.

SEC. 2. Original section one of the act to which this is amendatory, is hereby repealed, saving all rights which have accrued and all liabilities which have been incurred under the same.

Section repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

AN ACT

To enable the qualified voters of cities and incorporated villages which are divided into election districts and wards, of this state, who may be in the military service of this state, or of the United States, to exercise the right of suffrage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any of the qualified electors of any city or incorporated villages which are divided into election districts or wards, in this state, shall be in the military or naval service of the United States, or of this state, and, as such, absent from the respective cities or incorporated villages as aforesaid, of their residence, either within or beyond the limits of this state, on the days provided by law for electing the

Voters in military service entitled to vote for municipal officers.

municipal officers thereof, they shall be entitled to exercise the right of voting for such officers, as fully as if present at their respective places of voting in said cities or incorporated villages.

Where poll shall be opened and how election to be conducted.

SEC. 2. A poll shall be opened at any place, post, hospital or station, at which five or more of said voters shall be at or near to, as they may select, and the election held thereat shall be conducted in all respects in conformity to the laws of the state in force at the time, to enable the qualified voters of this state, in the military service of this state or of the United States, to exercise the right of suffrage, as far as the provisions thereof are applicable; and substituting the word "city," or "incorporated villages which are divided into election districts and wards," for the word "county" in said act, as far as necessary to the proper construction of this act.

Separate poll-books to be kept for each city or village.

SEC. 3. Separate poll-books shall be kept for each city, or incorporated village as aforesaid, instead of each county, and the ward or election district of each voter shall be indorsed opposite his name on the poll-books.

Poll-books to be returned to city clerk and clerk of court.

SEC. 4. The poll-books of the election, together with the ballots, shall be sealed up and shall be returned to the city clerk or recorder of the proper city, or incorporated village aforesaid, and a copy thereof to the clerk of the court of common pleas, of the proper county in which said city or incorporated village as aforesaid is located, by any safe means of conveyance, within five days after said election.

Votes to be counted with those cast in city or village.

SEC. 5. The returns so made shall be included in and counted with the returns of votes cast within the wards or election districts of the cities or incorporated villages to which they properly belong, and are returned as aforesaid, and shall have the same effect and force as votes in the respective wards and cities, or incorporated villages as aforesaid, as if actually cast in said wards or election districts.

Abstract to be made in accordance with number of votes on poll-books.

SEC. 6. The clerk, recorder, mayor, or justice of the peace, as the case may be, in making out the abstract of votes and ascertaining the candidates elected, under the "sec. C" 100, of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852 (Swan and Critchfield's Statutes, page 1524), shall not decide on the validity of the returns aforesaid, but shall be governed by the number of votes stated in the poll-books.

In case of incompetence, refusal or neglect, clerk of court to make abstract,

SEC. 7. That if for any cause there shall be no city clerk, recorder, or mayor, competent to receive the returns of municipal elections in cities or incorporated villages, which are divided into election districts and wards, or if they shall neglect or refuse to act, then the clerk of the court of common pleas of the county in which said city or incorporated village is located, shall call to his assistance any justice of the peace of the county, and shall, in his presence, make out the abstract of votes, and ascertain the candidates elected, in all respects as required by law, and shall in like manner make out a certificate to each candidate so elected, and cause the same to be delivered to him.

—and issue certificate.

Penalty for refusal or neglect.

SEC. 8. That if any officer, charged with any duty under this act, shall neglect or refuse to perform the same, such officer, upon conviction thereof, on indictment therefor, shall be fined in any sum not exceeding five hundred dollars, at the discretion of the court, with costs.

Penalty for delivering false or forged poll-book.

SEC. 9. Any person, charged with the delivery of poll-books under this act, who shall knowingly deliver any false, forged or fraudulent poll-book, such person shall, upon conviction thereof, be imprisoned in

the penitentiary of the state, and kept at hard labor, for any time not less than one or more than two years.

Penalty for suppressing, destroying, or altering poll-book.

SEC. 10. Any person, charged with the receipt of the poll-books of any municipal election as aforesaid, who shall suppress, destroy, alter, or procure or permit to be suppressed, destroyed or altered, any poll-book as aforesaid, such person shall, upon conviction thereof, be imprisoned in the penitentiary of the state, and kept at hard labor, for any time not less than one or more than two years.

Acts suspended.

SEC. 11. That so much of the act entitled "an act to provide for the organization of cities and incorporated villages" passed May 3, 1852, and the acts amendatory thereto, as required the poll-books to be opened, and the trustees, elected for each city, to assemble and organize the city council on the Monday after the election, be suspended during the existence of this act; and the returns of election shall be held twenty days—counting from and excluding the day of election—to receive the returns under this act, when they shall be opened, and the trustees elected shall proceed to organize under said act.

SEC. 12. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

AN ACT

To provide for the erection of a new building for the institution for the deaf and dumb.

WHEREAS, The asylum building for the deaf and dumb, owned by the state, in the city of Columbus, is in a dilapidated condition, and dangerous to its inmates, and is reported by competent architects to be unfit for repairs; therefore,

Kind of building.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of this state be and he is hereby authorized and directed to cause to be erected on the lot in the city of Columbus, Ohio, owned by the state, and now occupied by said institution, a new brick building for said institution, to be of plain and substantial construction, having special reference to adaptation and proper economy, for the convenient and suitable accommodation of three hundred and fifty pupils, and necessary officers and servants: Provided, that all the necessary lumber and wood work required in the construction of said building shall be of good quality, and well seasoned before it is used.

Governor may cause plans, &c., to be made, —and may invite bids,

SEC 2. That the governor shall have power to cause to be made such drafts, plans, profiles, and estimates of the costs of material and work as he may deem proper, and adopt any such plan, and may make contracts, or invite bids for contracts for work, material, &c., and shall have full power and authority to do all acts which may be necessary for the purpose aforesaid, and the efficient construction thereof to its completion, from time to time, according to appropriations made therefor, and keeping within the same.

—may appoint a superintendent.

SEC. 3. The governor may appoint a practical mechanic to superintend said work, under the control of the governor, and subject to be dismissed at the pleasure of the governor, and a successor appointed; said superintendent shall take an oath of office and give bond to the state of Ohio, with security, to the acceptance of the governor, in the sum of five thousand dollars, for the faithful discharge of his duty under this act. He shall receive for his services a salary not exceeding two thousand dollars per annum, to be fixed by the governor.

Stone to be obtained from state quarry.

SEC. 4. Stone may be taken from the state quarry belonging to the state, under the direction, and in the manner to be directed, by the state superintendent of public buildings; and such penitentiary labor may be employed in the construction of said building as may be consistent with the contracts and rules of said Ohio penitentiary.

Governor to make report to legislature.

SEC. 5. The governor shall make a report of his proceedings, and plan of the building adopted, to the next general assembly.

Appropriation.

SEC. 6. The sum of forty thousand dollars is hereby appropriated to be paid out of the general revenue fund, for the payment of expenses, salary and disbursements, to be made as aforesaid under this act, to be paid upon the certificate of the governor, and the warrant of the auditor of state, which he shall issue thereon upon the treasury.

SEC. 7. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

AN ACT

Authorizing the election of one additional judge of the court of common pleas in the first sub-division of the fourth judicial district of Ohio.

Additional judge to be elected in the fourth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the fourth judicial district, there shall be one additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, consisting of the counties of Lucas, Ottawa, Sandusky, Huron and Erie, and be elected by the qualified voters of said counties, at the next annual election for state and county officers, in the same manner and for the same term as is prescribed by law, for the election of other judges of the court of common pleas, and who shall be entitled to receive the same salary. His official term shall commence on the second Monday of February, A. D. 1865; and when so elected and qualified, he shall have in all respects the same jurisdiction, possess the same powers, and discharge the same duties as are conferred and enjoined by the constitution and laws of this state, upon other judges of said court, and any vacancy that may occur in the office of such additional judge, whether by expiration of his term or otherwise, shall be filled as in other cases.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend section 36 of the act entitled "an act providing for the punishment of crimes," passed March 7, 1835, and to punish aiders and abettors of certain crimes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-six of the above mentioned act be so amended as to read as follows:

Aiders and abettors to be punished same as principal offender.

SEC. 36. That if any person shall aid, abet, or procure any other person to commit any of the offenses by this act or by any other act made criminal, the punishment whereof is death or imprisonment in the penitentiary, every person so offending, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, for any time between the respective periods for which the principal offenders could be imprisoned for the principal offense; or if such principal offender would on conviction be punishable with death, or be imprisoned for life, then such aider, abettor, or procurer, shall be punished with death, or be imprisoned for life, the same as the principal offender would be.

Section repealed.

SEC. 2. That original section 36 be and the same is hereby repealed; provided said repeal shall in no wise affect crimes committed against the provisions of said section, or pending prosecutions for crimes against the provisions of the same.

SEC. 3. That this act shall take effect and be in force from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

Supplementary to the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30th, 1852.

When majority of property holders on line of street railroad shall grant right of way, company may appropriate other private property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a majority in interest, of the holders of private property on a line of private property, sought to be used or appropriated by any company incorporated for the purpose of constructing a street railroad, shall have granted or agreed in writing to grant to the street railroad company a right of way over the private property held by them, or shall have granted or conveyed, or agreed in writing to grant or convey, to the street railroad company, the title to the private property held by them, necessary for the construction of such railroad; the street railroad company named in the grant or writing shall have power to appropriate other private property necessary for the construction of such railroad, to the use of the company, for the right of way over such private property, or for any other purpose within the scope of the legal authority of the company; and such appropriations shall be made and conducted in accordance with the provisions of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30th, 1852; and the act supplementary to the said entitled act, passed March 11th, 1853;

and the act supplementary to the said entitled act, passed March 14th, 1853; and the act to amend the fifth section of the said entitled act, passed April 8th, 1856.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

For the prosecution and punishment of certain crimes therein named.

Indictments against partners, joint tenants, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any indictment or information for any offense or crime wherein it shall be requisite to state the ownership of any property whatsoever whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever, in any indictment or information for any offense or crime, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint stock companies and trustees.

SEC. 2. That section one of the act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be so amended as to read as follows:

Embezzlement of money or goods by agent, clerk, or servant.

That if any clerk or servant of any private person, or of any copartnership, (except apprentices and persons within the age of eighteen years), or if any officer, agent, clerk, or servant of any incorporated company or joint stock company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights in action, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession, or under his care, by virtue of such employment or office, he shall, upon conviction, be punished, in the manner prescribed by law, for feloniously stealing property of the value of the article so embezzled, taken or secreted, or of the value of any sum of money, payable and due upon any right in action so embezzled.

Section repealed.

SEC. 3. That said original section one of said act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be and the same is hereby repealed; provided that all offenses committed prior to the taking effect of this act, shall be prosecuted and punished in the same manner as if this act had never been passed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," passed March 28, 1840.

Rents accruing on leases of water power to be first lien upon estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all rents accruing upon leases of water-power or other rights or property of the state of Ohio, heretofore or that may be hereafter made by the board of public works or other officer of state, shall be a first lien upon the estates created by such lease. And whenever such leasehold estate shall be sold upon proceedings in partition, or shall be taken by the election of any of the parties to such proceedings, or when sold at judicial sale, or by administrators, executors, guardians, or trustees, the court shall order the rents due upon said leasehold estates to be discharged out of the proceeds of such sale or election.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To repeal an act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, and three, of the act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861, be and the same are hereby repealed.

SEC. 2. That this act shall take effect and be in force from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend section four of an act therein named.

County auditor to record deeds, mortgages, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled "an act to provide for the election of county recorders, and prescribing their duties," passed February 23, 1831 (S. & C. 1273), be so amended as to read as follows:

SEC. 4. That the recorder of each county shall record in a fair and legible handwriting, in books to be by him provided for that purpose at the expense of the county, all deeds, mortgages, or other instruments of writing required to be recorded, and which shall be presented to him

for that purpose, and the same shall be recorded in regular succession, according to the priority of their presentation, and if a mortgage, the precise time of the day on which the same was presented, shall be recorded. And if a deed, mortgage, or other instrument of writing, to which is attached an adhesive revenue stamp or stamps, canceled agreeably to the provisions of the act of congress, approved July 1st, 1862, he shall so certify upon the record, stating the value of said stamp or stamps.

—and to certify to value of stamp attached.

SEC. 2. That section four of the above-recited act be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

60 O. L. 116. To amend the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14, 1863, be so amended as to read as follows:

Governor to appoint military claim agents.

Section 1. That the governor, with the advice and consent of the senate, is hereby empowered to appoint such number of military claim agents as the good of the service may require, not exceeding twelve, under such regulations as he may prescribe, who shall hold their offices for the term of one year, at the pleasure of the governor.

Their salaries.

The agents at Nashville, Chattanooga, Memphis, and New Orleans, at a salary not exceeding fifteen hundred dollars per annum, and the other agents at a salary not exceeding twelve hundred dollars per annum.

SEC. 2. That section four of the above-recited act be so amended as to read as follows:

Appropriation.

Sec. 4. That there be and hereby is appropriated from any money in the state treasury for general revenue purposes, the sum of twelve thousand dollars for the payment of the salaries of said agents; and the

Safe for use of agents.

state agent at Columbus is hereby authorized to retain and keep the safe now in the office of the state claim agent, for the use of the agents appointed under this act.

SEC. 3. That sections one and four of the above-named act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

Supplementary to the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 27th, A.D. 1861.

Collection of taxes for construction of ditches, &c., not void in consequence of error by surveyor, county auditor, or commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the collection of the taxes levied or ordered to be levied to pay for the location and construction of any ditch, drain or water-course, laid out and constructed, under and by authority of the act to which this is supplementary, or the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 24th, A.D. 1859, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings, by which any ditch, drain or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought to reverse or to declare void the proceedings by which any ditch, drain or water-course has been located or established, or to enjoin the tax levied or ordered to be levied, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises or to survey the same, or both, as may be deemed necessary. And the court shall on final hearing make such order in the premises as shall be just and equitable. And may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable, to be refunded, the costs of said proceeding to be apportioned amongst the parties, or be paid out of the county treasury, as justice may require.

In case of error, court may set aside proceedings.

—and may appoint persons to examine and survey premises.

—and may order tax to remain on duplicate for collection.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend an act entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed March 29, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above-recited act be amended so as to read as follows:

Cities of first and second class empowered to punish

Section 1. That the city council of all cities of the first class, and all cities of the second class, having a population of not less than thirteen thousand inhabitants at the last federal census, shall have power to provide for the punishment of vagrants, common street beggars, com-

certain classes of persons named, &c.

mon prostitutes, habitual disturbers of the peace, known or reputed pickpockets, burglars and thieves, watch-stuffers, ball-game players, persons who practice any trick, game, or device, with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves; and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor shall for the first offense not exceed thirty days; for the second offense, ninety days; for the third offense, six months; and for the fourth or any further repetition of the offense, one year. They

Refusal to pay fine, how punished.

shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed, on conviction of any offense, together with the costs of prosecution, shall be imprisoned and kept at hard labor until, at the rate of seventy-five cents for each day's labor, exclusive of Sunday, they shall have earned an amount equal to such fine and costs. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the age, sex, and health of the prisoners, and such labor may be done at the city prison, the city work-house, or elsewhere, and under the charge of such officers or other persons as the mayor may select. And the said city council may also provide suitable hospitals for the reception and care of such prisoners as may be diseased or disabled; the same to be under such regulations, and under the charge of such person as the city council may by ordinance direct.

Sections repealed.

SEC. 2. That the first and second sections of the above-recited act be and the same are hereby repealed: provided, that any offense committed in violation of the act hereby repealed, may be prosecuted under the provisions of said act.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend the act entitled "an act to authorize the erection of town halls," passed February 24th, 1848, and to repeal an act amendatory thereof, passed April 3d, 1861.

Legal voters of townships, town, or city of second class, may vote a tax for town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters of any township, incorporated town, or city of the second class, in this state, having a population not exceeding 16,000, may assemble on the first Monday of April, in any year, at the usual place of holding elections in said township, incorporated town, or city of the second class, as aforesaid, and then and there decide, by ballot, for or against levying a tax on all the property subject to taxation in such township, incorporated town, or city of the second class, as aforesaid, for the purpose of erecting a town hall: Provided, ten days' previous notice shall be given by the township clerk, on the order of the township trustees (or the written request of not less than

ten legal voters of the township), by posting up printed or written notices in three of the most public places in said township, and in incorporated towns, and cities of the second class; said notices shall be given by the town or city council, by publication in some newspaper having general circulation therein. Notice to be given.

SEC. 2. That every voter who is in favor of levying a tax on all the property of the township, incorporated town, or city of the second class, as aforesaid, for the erection of such halls, shall endorse on his ballot "town hall," and if a majority of all the legal voters at such election vote "town hall," then the trustees of such township, council of such incorporated town, or city of the second class, shall, on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township, incorporated town, or city of the second class, as aforesaid, as expressed at said election, and the county auditor shall levy a tax on all the property of such township, incorporated town, or city of the second class, standing on the grand list for the purpose aforesaid, and to enable the trustees of such township, town, or city council, in incorporated towns, and cities of the second class, to purchase a lot, if necessary, upon which to erect said hall. And it shall be lawful for the trustees of any township, town council of any incorporated town, or city of the second class, in which a town hall shall have been erected at any time, to levy and collect a tax upon all the property of said township, incorporated town, or city of the second class, subject to taxation, for the purpose of painting, repairing, or discharging any existing debt incurred in the erection or purchase of such hall: Provided, the amount of taxes under the provisions of this act shall in no case exceed two mills on the dollar of the taxable property of any township, incorporated town, or city of the second class; and the tax so levied shall be collected by the county treasurer in the same manner, and at the same time that state and county taxes are collected, and by him paid, on the order of the county auditor, to the trustees of such township, or to the town council of any incorporated town, or city of the second class, raising the same. Manner of voting. County auditor to levy tax to purchase lot. Trustees or council may levy tax for hall. Proviso.

SEC. 3. That said hall, and the grounds upon which it is erected, shall be under the control of the trustees of the township, if erected by a township, and of the town council, if erected by an incorporated town or city of the second class.

SEC. 4. This act shall take effect and be in force from and after its passage; and the act passed February 24th, 1848, and the amendatory act thereto, passed April 3d, 1861, be and they are hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

60 O. L. 28.

To amend the sixth section of an act entitled "an act providing for the appointment and more thorough system of accountability of the officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts, and repealing certain acts and parts of acts herein named," passed March 24th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the sixth section of the above recited act be amended so as to read as follows:

Salaries of officers.

SEC. 6. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars; the clerk shall receive an annual compensation for his services not exceeding one thousand dollars; the deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars; the steward shall receive an annual compensation for his services not exceeding eight hundred dollars; and each assistant keeper shall receive a compensation not exceeding fifty dollars per month, except the night-watch, who may receive fifty-five dollars per month. No person so employed shall be paid in any other capacity, nor shall they be entitled to or receive any

Perquisites prohibited.

perquisites in the shape of board, provisions, carriages, horses, or otherwise, either for themselves or families, unless the same shall be allowed by law, or shall be permitted to receive any compensation or reward of any description from contractors; and if any person so employed shall

Penalties for connivance at frauds, aiding in escapes, etc.

receive any compensation or reward of any description from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description, belonging to the penitentiary, for his own private purpose, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at or aid or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than one nor more than three years; and if any other person shall aid or assist in the escape of any convict from the penitentiary, such person shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than six months nor more than one year.

SEC. 2. The original section six is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend section one of an act passed April 9th, 1863, entitled an act supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed April 9, one thousand eight hundred and sixty-three, be amended so as to read as follows:

Sec. 1. That in any city of the second class, whenever in the judgment of the city council it shall become necessary to purchase a steam fire-engine or engines, it shall be lawful for the city council to make such purchase; and for the purpose of paying therefor, such city council are hereby authorized to contract loans and issue their bonds therefor in any sum not exceeding twenty thousand dollars, and payable at such time or times not exceeding fifteen years, and with such rate of interest, not exceeding six per cent. per annum, as may be provided by ordinance. The bonds hereby authorized to be issued, shall be signed by the president of the city council, and attested by the city clerk under his seal, and shall not be sold for less than their par value.

Council of city of second class may purchase steam fire-engine.

SEC. 2. That original section one of said act of April 9th, 1863, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, and the sixth section of the act entitled "an act to provide for the defense of the State, and for the support of the federal government against rebellion," passed April 18, 1861. 59 O. L. 71.

Be it enacted by the General Assembly of the State of Ohio, That section one of the act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30th, 1862, be so amended as to read as follows:

Sec. 1. That hereafter there shall be levied annually, for state purposes, on each dollar of taxable property in this state, as valued and entered on the grand list of taxable property in each year, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For the ordinary expenses of the state government, including the expenses of the benevolent institutions, and other charges on the general revenue, one mill; for the sinking fund, applicable to the payment of the interest on the state debt, and the gradual reduction of the principal thereof, nine-tenths of one mill, exclusive of and in addition to the levy for the principal and interest of the

Rates of taxes to be levied.

—for state government.

—for sinking fund.

"Union Loan," and for the support of the common schools in the state one mill and three-tenths.

That the sixth section of an act entitled "an act to provide for the defense of the state, and for the support of the federal government agai st rebellion," passed April 18th, 1861 (vol. 58, page 89, section 6 of Laws of 1861), be so amended as to read as follows:

—for paying claims.

Sec. 6. That for the purpose of raising the money necessary to repay the amount that remains unpaid under the authority of said last recited act, and the interest thereon, there be and is levied a tax of one-tenth of one mill on the dollar of the taxable valuation of property on the grand duplicate of the state, for the years 1864 and 1865, the proceeds of which are hereby pledged to the purposes aforesaid.

Sec. 2. That said sections one and six of the acts above referred to and cited, be and they are hereby repealed.

Sec. 3. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

Making appropriations for the payment of the interest and principal of the public debt.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations, for the payment of the interest on the foreign and domestic debt of this state, exclusive of the "Union Loan," seven hundred and sixty thousand dollars.

Appropriation for payment of interest on public debt.

For the payment of the interest on the irreducible debt, or trust fund, held by the state, one hundred and eighty-one thousand dollars.

For the payment of the principal of the foreign and domestic debt of the state, exclusive of the "Union Loan," two hundred and forty-five thousand dollars, and any additional sum that may come into the treasury applicable to that purpose.

Expenses of New York agency.

For the payment of the necessary expenses of the New York agency, including the salary of the state agent and office rent, four thousand dollars.

Expenses of home office.

For the payment of the necessary expenses of the office of the commissioners of the sinking fund at Columbus, including the salary of the clerk, fifteen hundred dollars.

Expenses of commissioners

For the payment of the necessary expenses of the commissioners in paying the interest and principal of the foreign debt of the state, one thousand dollars.

Union loan.

Sec. 2. There is hereby appropriated from any money that may be in the treasury, and that may come into the treasury, of the levy to pay the "Union Loan," in addition to former appropriations, for the payment of the interest on the "Union Loan," foreign and domestic, forty thousand dollars.

For the payment of the principal of said "Union Loan," five thousand dollars.

SEC. 3. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON.
President of the Senate.

March 25, 1864.

AN ACT

To authorize cities of the first and second class to levy taxes for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class having a population exceeding one hundred thousand inhabitants, the trustees and visitors of common schools shall, on or before the second Monday of May, annually, cause to be certified to the city council an estimate of the amount necessary to be raised in said city for school purposes, not exceeding two mills on the dollar upon all property in said city valued or appraised and liable and subject to taxation for state and county purposes, corporations, school-house, and school taxes, and the city council shall certify the said amount so to be raised, to the county auditor, who is hereby authorized and directed to place the same on the duplicate of taxes for said county in the same manner as township taxes now by law are placed on such duplicate, which said school taxes shall be collected by the county treasurer of said county, and by him paid into the city treasury on the order of the county auditor on or before the first Mondays of January and July in each year.

Levy by cities having over 100,000 inhabitants.

City council to certify amount to county auditors.

How tax collected.

SEC. 2. That the boards of education of the cities of the first class having a population of over forty thousand and less than one hundred thousand inhabitants are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards respectively, not exceeding three mills on each dollar on the valuation of the taxable property of said cities; and all cities of the first class having a population of less than forty thousand inhabitants, and cities of the second class, the boards of education of said cities respectively are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards of education respectively, not exceeding four mills on the valuation of the taxable property of said cities, which said school tax shall be collected by the county treasurer of the proper county, the same as other taxes are collected, and by him paid to the treasurer of said board on the order of the county auditor on or before the first days of January and July in each year.

Levy by cities having less than 100,000 inhabitants.

Levy by cities having less than 40,000 inhabitants;

—and cities of second class.

How tax collected.

SEC. 2. This act shall take effect and be in force from and after its passage; and section four, of which this is an amendment, is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

and the act supplementary to the said entitled act, passed March 14th, 1853; and the act to amend the fifth section of the said entitled act, passed April 8th, 1856.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

For the prosecution and punishment of certain crimes therein named.

Indictments against partners, joint tenants, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any indictment or information for any offense or crime wherein it shall be requisite to state the ownership of any property whatsoever whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever, in any indictment or information for any offense or crime, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint stock companies and trustees.

SEC. 2. That section one of the act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be so amended as to read as follows:

Embezzlement of money or goods by agent, clerk, or servant.

That if any clerk or servant of any private person, or of any copartnership, (except apprentices and persons within the age of eighteen years), or if any officer, agent, clerk, or servant of any incorporated company or joint stock company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights in action, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession, or under his care, by virtue of such employment or office, he shall, upon conviction, be punished, in the manner prescribed by law, for feloniously stealing property of the value of the article so embezzled, taken or secreted, or of the value of any sum of money, payable and due upon any right in action so embezzled.

Section repealed.

SEC. 3. That said original section one of said act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be and the same is hereby repealed; provided that all offenses committed prior to the taking effect of this act, shall be prosecuted and punished in the same manner as if this act had never been passed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," passed March 28, 1840.

Rents accruing on leases of water power to be first lien upon estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all rents accruing upon leases of water-power or other rights or property of the state of Ohio, heretofore or that may be hereafter made by the board of public works or other officer of state, shall be a first lien upon the estates created by such lease. And whenever such leasehold estate shall be sold upon proceedings in partition, or shall be taken by the election of any of the parties to such proceedings, or when sold at judicial sale, or by administrators, executors, guardians, or trustees, the court shall order the rents due upon said leasehold estates to be discharged out of the proceeds of such sale or election.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To repeal an act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, and three, of the act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861, be and the same are hereby repealed.

SEC. 2. That this act shall take effect and be in force from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend section four of an act therein named.

County auditor to record deeds, mortgages, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled "an act to provide for the election of county recorders, and prescribing their duties," passed February 23, 1831 (S. & C. 1273), be so amended as to read as follows:

SEC. 4. That the recorder of each county shall record in a fair and legible handwriting, in books to be by him provided for that purpose at the expense of the county, all deeds, mortgages, or other instruments of writing required to be recorded, and which shall be presented to him

for that purpose, and the same shall be recorded in regular succession, according to the priority of their presentation, and if a mortgage, the precise time of the day on which the same was presented, shall be recorded. And if a deed, mortgage, or other instrument of writing, to which is attached an adhesive revenue stamp or stamps, canceled agreeably to the provisions of the act of congress, approved July 1st, 1862, he shall so certify upon the record, stating the value of said stamp or stamps.

—and to certify to value of stamp attached.

SEC. 2. That section four of the above-recited act be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

60 O. L. 116. To amend the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14, 1863, be so amended as to read as follows:

Governor to appoint military claim agents.

Section 1. That the governor, with the advice and consent of the senate, is hereby empowered to appoint such number of military claim agents as the good of the service may require, not exceeding twelve, under such regulations as he may prescribe, who shall hold their offices for the term of one year, at the pleasure of the governor. The agents at Nashville, Chattanooga, Memphis, and New Orleans, at a salary not exceeding fifteen hundred dollars per annum, and the other agents at a salary not exceeding twelve hundred dollars per annum.

Their salaries.

SEC. 2. That section four of the above-recited act be so amended as to read as follows:

Appropriation.

Sec. 4. That there be and hereby is appropriated from any money in the state treasury for general revenue purposes, the sum of twelve thousand dollars for the payment of the salaries of said agents; and the state agent at Columbus is hereby authorized to retain and keep the safe now in the office of the state claim agent, for the use of the agents appointed under this act.

Safe for use of agents.

SEC. 3. That sections one and four of the above-named act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

Supplementary to the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 27th, A.D. 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the collection of the taxes levied or ordered to be levied to pay for the location and construction of any ditch, drain or water-course, laid out and constructed, under and by authority of the act to which this is supplementary, or the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 24th, A.D. 1859, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings, by which any ditch, drain or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought to reverse or to declare void the proceedings by which any ditch, drain or water-course has been located or established, or to enjoin the tax levied or ordered to be levied, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises or to survey the same, or both, as may be deemed necessary. And the court shall on final hearing make such order in the premises as shall be just and equitable. And may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable, to be refunded, the costs of said proceeding to be apportioned amongst the parties, or be paid out of the county treasury, as justice may require.

Collection of taxes for construction of ditches, &c., not void in consequence of error by surveyor, county auditor, or commissioners.

In case of error, court may set aside proceedings.

—and may appoint persons to examine and survey premises.

—and may order tax to remain on duplicate for collection.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend an act entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed March 29, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above-recited act be amended so as to read as follows:

Section 1. That the city council of all cities of the first class, and all cities of the second class, having a population of not less than thirteen thousand inhabitants at the last federal census, shall have power to provide for the punishment of vagrants, common street beggars, com-

Cities of first and second class empowered to punish

certain classes of persons named, &c.

mon prostitutes, habitual disturbers of the peace, known or reputed pick-pockets, burglars and thieves, watch-stuffers, ball-game players, persons who practice any trick, game, or device, with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves; and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor shall for the first offense not exceed thirty days; for the second offense, ninety days; for the third offense, six months; and for the fourth or any further repetition of the offense, one year. They

Refusal to pay fine, how punished.

shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed, on conviction of any offense, together with the costs of prosecution, shall be imprisoned and kept at hard labor until, at the rate of seventy-five cents for each day's labor, exclusive of Sunday, they shall have earned an amount equal to such fine and costs. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the age, sex, and health of the prisoners, and such labor may be done at the city prison, the city work-house, or elsewhere, and under the charge of such officers or other persons as the mayor may select. And the said city council may also provide suitable hospitals for the reception and care of such prisoners as may be diseased or disabled; the same to be under such regulations, and under the charge of such person as the city council may by ordinance direct.

Sections repealed.

SEC. 2. That the first and second sections of the above-recited act be and the same are hereby repealed: provided, that any offense committed in violation of the act hereby repealed, may be prosecuted under the provisions of said act.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend the act entitled "an act to authorize the erection of town halls," passed February 24th, 1848, and to repeal an act amendatory thereof, passed April 3d, 1861.

Legal voters of townships, town, or city of second class, may vote a tax for town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters of any township, incorporated town, or city of the second class, in this state, having a population not exceeding 16,000, may assemble on the first Monday of April, in any year, at the usual place of holding elections in said township, incorporated town, or city of the second class, as aforesaid, and then and there decide, by ballot, for or against levying a tax on all the property subject to taxation in such township, incorporated town, or city of the second class, as aforesaid, for the purpose of erecting a town hall: Provided, ten days' previous notice shall be given by the township clerk, on the order of the township trustees (or the written request of not less than

ten legal voters of the township), by posting up printed or written notices in three of the most public places in said township, and in incorporated towns, and cities of the second class; said notices shall be given by the town or city council, by publication in some newspaper having general circulation therein. Notice to be given.

SEC. 2. That every voter who is in favor of levying a tax on all the property of the township, incorporated town, or city of the second class, as aforesaid, for the erection of such halls, shall endorse on his ballot "town hall," and if a majority of all the legal voters at such election vote "town hall," then the trustees of such township, council of such incorporated town, or city of the second class, shall, on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township, incorporated town, or city of the second class, as aforesaid, as expressed at said election, and the county auditor shall levy a tax on all the property of such township, incorporated town, or city of the second class, standing on the grand list for the purpose aforesaid, and to enable the trustees of such township, town, or city council, in incorporated towns, and cities of the second class, to purchase a lot, if necessary, upon which to erect said hall. And it shall be lawful for the trustees of any township, town council of any incorporated town, or city of the second class, in which a town hall shall have been erected at any time, to levy and collect a tax upon all the property of said township, incorporated town, or city of the second class, subject to taxation, for the purpose of painting, repairing, or discharging any existing debt incurred in the erection or purchase of such hall: Provided, the amount of taxes under the provisions of this act shall in no case exceed two mills on the dollar of the taxable property of any township, incorporated town, or city of the second class; and the tax so levied shall be collected by the county treasurer in the same manner, and at the same time that state and county taxes are collected, and by him paid, on the order of the county auditor, to the trustees of such township, or to the town council of any incorporated town, or city of the second class, raising the same.

Manner of voting.

County auditor to levy tax to purchase lot.

Trustees or council may levy tax for hall.

Proviso.

SEC. 3. That said hall, and the grounds upon which it is erected, shall be under the control of the trustees of the township, if erected by a township, and of the town council, if erected by an incorporated town or city of the second class.

SEC. 4. This act shall take effect and be in force from and after its passage; and the act passed February 24th, 1848, and the amendatory act thereto, passed April 3d, 1861, be and they are hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

60 O. L. 28. To amend the sixth section of an act entitled "an act providing for the appointment and more thorough system of accountability of the officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts, and repealing certain acts and parts of acts herein named," passed March 24th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the sixth section of the above recited act be amended so as to read as follows:

Salaries of officers.

Sec. 6. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars; the clerk shall receive an annual compensation for his services not exceeding one thousand dollars; the deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars; the steward shall receive an annual compensation for his services not exceeding eight hundred dollars; and each assistant keeper shall receive a compensation not exceeding fifty dollars per month, except the night-watch, who may receive fifty-five dollars per month. No person so employed shall be paid in any other capacity, nor shall they be entitled to or receive any perquisites in the shape of board, provisions, carriages, horses, or otherwise, either for themselves or families, unless the same shall be allowed by law, or shall be permitted to receive any compensation or reward of any description from contractors; and if any person so employed shall receive any compensation or reward of any description from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description, belonging to the penitentiary, for his own private purpose, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at or aid or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than one nor more than three years; and if any other person shall aid or assist in the escape of any convict from the penitentiary, such person shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than six months nor more than one year.

Perquisites prohibited.

Penalties for connivance at frauds, aiding in escapes, etc.

SEC. 2. The original section six is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend section one of an act passed April 9th, 1863, entitled an act supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed April 9, one thousand eight hundred and sixty-three, be amended so as to read as follows:

Sec. 1. That in any city of the second class, whenever in the judgment of the city council it shall become necessary to purchase a steam fire-engine or engines, it shall be lawful for the city council to make such purchase; and for the purpose of paying therefor, such city council are hereby authorized to contract loans and issue their bonds therefor in any sum not exceeding twenty thousand dollars, and payable at such time or times not exceeding fifteen years, and with such rate of interest, not exceeding six per cent. per annum, as may be provided by ordinance. The bonds hereby authorized to be issued, shall be signed by the president of the city council, and attested by the city clerk under his seal, and shall not be sold for less than their par value.

Council of city of second class may purchase steam fire-engine.

SEC. 2. That original section one of said act of April 9th, 1863, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, and the sixth section of the act entitled "an act to provide for the defense of the State, and for the support of the federal government against rebellion," passed April 18, 1861. 59 O. L. 71.

Be it enacted by the General Assembly of the State of Ohio, That section one of the act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30th, 1862, be so amended as to read as follows:

Sec. 1. That hereafter there shall be levied annually, for state purposes, on each dollar of taxable property in this state, as valued and entered on the grand list of taxable property in each year, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For the ordinary expenses of the state government, including the expenses of the benevolent institutions, and other charges on the general revenue, one mill; for the sinking fund, applicable to the payment of the interest on the state debt, and the gradual reduction of the principal thereof, nine-tenths of one mill, exclusive of and in addition to the levy for the principal and interest of the

Rates of taxes to be levied.

—for state government.

—for sinking fund.

"Union Loan," and for the support of the common schools in the state one mill and three-tenths.

That the sixth section of an act entitled "an act to provide for the defense of the state, and for the support of the federal government agai st rebellion," passed April 18th, 1861 (vol. 58, page 89, section 6 of Laws of 1861), be so amended as to read as follows:

—for paying claims.

Sec. 6. That for the purpose of raising the money necessary to repay the amount that remains unpaid under the authority of said last recited act, and the interest thereon, there be and is levied a tax of one-tenth of one mill on the dollar of the taxable valuation of property on the grand duplicate of the state, for the years 1864 and 1865, the proceeds of which are hereby pledged to the purposes aforesaid.

Sec. 2. That said sections one and six of the acts above referred to and cited, be and they are hereby repealed.

Sec. 3. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

Making appropriations for the payment of the interest and principal of the public debt.

Appropriation for payment of interest on public debt.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations, for the payment of the interest on the foreign and domestic debt of this state, exclusive of the "Union Loan," seven hundred and sixty thousand dollars.

For the payment of the interest on the irreducible debt, or trust fund, held by the state, one hundred and eighty-one thousand dollars.

For the payment of the principal of the foreign and domestic debt of the state, exclusive of the "Union Loan," two hundred and forty-five thousand dollars, and any additional sum that may come into the treasury applicable to that purpose.

Expenses of New York agency.

For the payment of the necessary expenses of the New York agency, including the salary of the state agent and office rent, four thousand dollars.

Expenses of home office.

For the payment of the necessary expenses of the office of the commissioners of the sinking fund at Columbus, including the salary of the clerk, fifteen hundred dollars.

Expenses of commissioners

For the payment of the necessary expenses of the commissioners in paying the interest and principal of the foreign debt of the state, one thousand dollars.

Union loan.

Sec. 2. There is hereby appropriated from any money that may be in the treasury, and that may come into the treasury, of the levy to pay the "Union Loan," in addition to former appropriations, for the payment of the interest on the "Union Loan," foreign and domestic, forty thousand dollars.

For the payment of the principal of said "Union Loan," five thousand dollars.

SEC. 3. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON.
President of the Senate.

March 25, 1864.

AN ACT

To authorize cities of the first and second class to levy taxes for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class having a population exceeding one hundred thousand inhabitants, the trustees and visitors of common schools shall, on or before the second Monday of May, annually, cause to be certified to the city council an estimate of the amount necessary to be raised in said city for school purposes, not exceeding two mills on the dollar upon all property in said city valued or appraised and liable and subject to taxation for state and county purposes, corporations, school-house, and school taxes, and the city council shall certify the said amount so to be raised, to the county auditor, who is hereby authorized and directed to place the same on the duplicate of taxes for said county in the same manner as township taxes now by law are placed on such duplicate, which said school taxes shall be collected by the county treasurer of said county, and by him paid into the city treasury on the order of the county auditor on or before the first Mondays of January and July in each year.

Levy by cities having over 100,000 inhabitants.

City council to certify amount to county auditors.

How tax collected.

SEC. 2. That the boards of education of the cities of the first class having a population of over forty thousand and less than one hundred thousand inhabitants are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards respectively, not exceeding three mills on each dollar on the valuation of the taxable property of said cities; and all cities of the first class having a population of less than forty thousand inhabitants, and cities of the second class, the boards of education of said cities respectively are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards of education respectively, not exceeding four mills on the valuation of the taxable property of said cities, which said school tax shall be collected by the county treasurer of the proper county, the same as other taxes are collected, and by him paid to the treasurer of said board on the order of the county auditor on or before the first days of January and July in each year.

Levy by cities having less than 100,000 inhabitants.

Levy by cities having less than 40,000 inhabitants;

—and cities of second class.

How tax collected.

SEC. 2. This act shall take effect and be in force from and after its passage; and section four, of which this is an amendment, is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

and the act supplementary to the said entitled act, passed March 14th, 1853; and the act to amend the fifth section of the said entitled act, passed April 8th, 1856.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

For the prosecution and punishment of certain crimes therein named.

Indictments against partners, joint tenants, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any indictment or information for any offense or crime wherein it shall be requisite to state the ownership of any property whatsoever whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever, in any indictment or information for any offense or crime, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint stock companies and trustees.

SEC. 2. That section one of the act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be so amended as to read as follows:

Embezzlement of money or goods by agent, clerk, or servant.

That if any clerk or servant of any private person, or of any copartnership, (except apprentices and persons within the age of eighteen years), or if any officer, agent, clerk, or servant of any incorporated company or joint stock company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, wituout the assent of his master or employers, any money, goods, rights in action, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession, or under his care, by virtue of such employment or office, he shall, upon conviction, be punished, in the manner prescribed by law, for feloniously stealing property of the value of the article so embezzled, taken or secreted, or of the value of any sum of money, payable and due upon any right in action so embezzled.

Section repealed.

SEC. 3. That said original section one of said act entitled "an act to punish certain crimes therein named," passed March 18, 1839, be and the same is hereby repealed; provided that all offenses committed prior to the taking effect of this act, shall be prosecuted and punished in the same manner as if this act had never been passed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," passed March 28, 1840.

Rents accruing on leases of water power to be first lien upon estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all rents accruing upon leases of water-power or other rights or property of the state of Ohio, heretofore or that may be hereafter made by the board of public works or other officer of state, shall be a first lien upon the estates created by such lease. And whenever such leasehold estate shall be sold upon proceedings in partition, or shall be taken by the election of any of the parties to such proceedings, or when sold at judicial sale, or by administrators, executors, guardians, or trustees, the court shall order the rents due upon said leasehold estates to be discharged out of the proceeds of such sale or election.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To repeal an act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, and three, of the act entitled "an act for the further protection of geese and ducks, in the counties of Erie, Sandusky, Lucas, and Ottawa," passed May 11th, 1861, be and the same are hereby repealed.

SEC. 2. That this act shall take effect and be in force from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend section four of an act therein named.

County auditor to record deeds, mortgages, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled "an act to provide for the election of county recorders, and prescribing their duties," passed February 23, 1831 (S. & C. 1273), be so amended as to read as follows:

SEC. 4. That the recorder of each county shall record in a fair and legible handwriting, in books to be by him provided for that purpose at the expense of the county, all deeds, mortgages, or other instruments of writing required to be recorded, and which shall be presented to him

for that purpose, and the same shall be recorded in regular succession, according to the priority of their presentation, and if a mortgage, the precise time of the day on which the same was presented, shall be recorded. And if a deed, mortgage, or other instrument of writing, to which is attached an adhesive revenue stamp or stamps, canceled agreeably to the provisions of the act of congress, approved July 1st, 1862, he shall so certify upon the record, stating the value of said stamp or stamps.

—and to certify to value of stamp attached.

SEC. 2. That section four of the above-recited act be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

60 O. L. 116. To amend the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act for the relief of discharged Ohio soldiers," passed April 14, 1863, be so amended as to read as follows:

Governor to appoint military claim agents.

Section 1. That the governor, with the advice and consent of the senate, is hereby empowered to appoint such number of military claim agents as the good of the service may require, not exceeding twelve, under such regulations as he may prescribe, who shall hold their offices for the term of one year, at the pleasure of the governor.

Their salaries.

The agents at Nashville, Chattanooga, Memphis, and New Orleans, at a salary not exceeding fifteen hundred dollars per annum, and the other agents at a salary not exceeding twelve hundred dollars per annum.

SEC. 2. That section four of the above-recited act be so amended as to read as follows:

Appropriation.

Sec. 4. That there be and hereby is appropriated from any money in the state treasury for general revenue purposes, the sum of twelve thousand dollars for the payment of the salaries of said agents; and the

Safe for use of agents.

state agent at Columbus is hereby authorized to retain and keep the safe now in the office of the state claim agent, for the use of the agents appointed under this act.

SEC. 3. That sections one and four of the above-named act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

Supplementary to the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 27th, A.D. 1861.

Collection of taxes for construction of ditches, &c., not void in consequence of error by surveyor, county auditor, or commissioners.

In case of error, court may set aside proceedings.

—and may appoint persons to examine and survey premises.

—and may order tax to remain on duplicate for collection.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the collection of the taxes levied or ordered to be levied to pay for the location and construction of any ditch, drain or water-course, laid out and constructed, under and by authority of the act to which this is supplementary, or the act entitled "an act to provide for locating, establishing and constructing ditches, drains and water-courses," passed March 24th, A.D. 1859, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings, by which any ditch, drain or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought to reverse or to declare void the proceedings by which any ditch, drain or water-course has been located or established, or to enjoin the tax levied or ordered to be levied, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises or to survey the same, or both, as may be deemed necessary. And the court shall on final hearing make such order in the premises as shall be just and equitable. And may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable, to be refunded, the costs of said proceeding to be apportioned amongst the parties, or be paid out of the county treasury, as justice may require.

SEC. 2. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

AN ACT

To amend an act entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed March 29, 1859.

Cities of first and second class empowered to punish

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above-recited act be amended so as to read as follows:

Section 1. That the city council of all cities of the first class, and all cities of the second class, having a population of not less than thirteen thousand inhabitants at the last federal census, shall have power to provide for the punishment of vagrants, common street beggars, com-

certain classes of persons named, &c.

mon prostitutes, habitual disturbers of the peace, known or reputed pick-pockets, burglars and thieves, watch-stuffers, ball-game players, persons who practice any trick, game, or device, with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves; and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor shall for the first offense not exceed thirty days; for the second offense, ninety days; for the third offense, six months; and for the fourth or any further repetition of the offense, one year. They

Refusal to pay fine, how punished.

shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed, on conviction of any offense, together with the costs of prosecution, shall be imprisoned and kept at hard labor until, at the rate of seventy-five cents for each day's labor, exclusive of Sunday, they shall have earned an amount equal to such fine and costs. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the age, sex, and health of the prisoners, and such labor may be done at the city prison, the city work-house, or elsewhere, and under the charge of such officers or other persons as the mayor may select. And the said city council may also provide suitable hospitals for the reception and care of such prisoners as may be diseased or disabled; the same to be under such regulations, and under the charge of such person as the city council may by ordinance direct.

Sections repealed.

SEC. 2. That the first and second sections of the above-recited act be and the same are hereby repealed: provided, that any offense committed in violation of the act hereby repealed, may be prosecuted under the provisions of said act.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend the act entitled "an act to authorize the erection of town halls," passed February 24th, 1848, and to repeal an act amendatory thereof, passed April 3d, 1861.

Legal voters of townships, town, or city of second class, may vote a tax for town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the legal voters of any township, incorporated town, or city of the second class, in this state, having a population not exceeding 16,000, may assemble on the first Monday of April, in any year, at the usual place of holding elections in said township, incorporated town, or city of the second class, as aforesaid, and then and there decide, by ballot, for or against levying a tax on all the property subject to taxation in such township, incorporated town, or city of the second class, as aforesaid, for the purpose of erecting a town hall: Provided, ten days' previous notice shall be given by the township clerk, on the order of the township trustees (or the written request of not less than

ten legal voters of the township), by posting up printed or written notices in three of the most public places in said township, and in incorporated towns, and cities of the second class; said notices shall be given by the town or city council, by publication in some newspaper having general circulation therein. Notice to be given.

SEC. 2. That every voter who is in favor of levying a tax on all the property of the township, incorporated town, or city of the second class, as aforesaid, for the erection of such halls, shall endorse on his ballot "town hall," and if a majority of all the legal voters at such election vote "town hall," then the trustees of such township, council of such incorporated town, or city of the second class, shall, on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township, incorporated town, or city of the second class, as aforesaid, as expressed at said election, and the county auditor shall levy a tax on all the property of such township, incorporated town, or city of the second class, standing on the grand list for the purpose aforesaid, and to enable the trustees of such township, town, or city council, in incorporated towns, and cities of the second class, to purchase a lot, if necessary, upon which to erect said hall. And it shall be lawful for the trustees of any township, town council of any incorporated town, or city of the second class, in which a town hall shall have been erected at any time, to levy and collect a tax upon all the property of said township, incorporated town, or city of the second class, subject to taxation, for the purpose of painting, repairing, or discharging any existing debt incurred in the erection or purchase of such hall: Provided, the amount of taxes under the provisions of this act shall in no case exceed two mills on the dollar of the taxable property of any township, incorporated town, or city of the second class; and the tax so levied shall be collected by the county treasurer in the same manner, and at the same time that state and county taxes are collected, and by him paid, on the order of the county auditor, to the trustees of such township, or to the town council of any incorporated town, or city of the second class, raising the same. Manner of voting. County auditor to levy tax to purchase lot. Trustees or council may levy tax for hall. Proviso.

SEC. 3. That said hall, and the grounds upon which it is erected, shall be under the control of the trustees of the township, if erected by a township, and of the town council, if erected by an incorporated town or city of the second class.

SEC. 4. This act shall take effect and be in force from and after its passage; and the act passed February 24th, 1848, and the amendatory act thereto, passed April 3d, 1861, be and they are hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

60 O. L. 28. To amend the sixth section of an act entitled "an act providing for the appointment and more thorough system of accountability of the officers of the Ohio penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working the convicts, and repealing certain acts and parts of acts herein named," passed March 24th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the sixth section of the above recited act be amended so as to read as follows:

Salaries of officers. Sec. 6. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars; the clerk shall receive an annual compensation for his services not exceeding one thousand dollars; the deputy warden shall receive an annual compensation for his services not exceeding eight hundred dollars; the steward shall receive an annual compensation for his services not exceeding eight hundred dollars; and each assistant keeper shall receive a compensation not exceeding fifty dollars per month, except the night-watch, who may receive fifty-five dollars per month. No person so employed shall be paid in any other capacity, nor shall they be entitled to or receive any perquisites in the shape of board, provisions, carriages, horses, or otherwise, either for themselves or families, unless the same shall be allowed by law, or shall be permitted to receive any compensation or reward of any description from contractors; and if any person so employed shall receive any compensation or reward of any description from any contractor, to promote the interests or advantage of such contractor, or shall make use of any property of any description, belonging to the penitentiary, for his own private purpose, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at or aid or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than one nor more than three years; and if any other person shall aid or assist in the escape of any convict from the penitentiary, such person shall, on conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than six months nor more than one year.

Perquisites prohibited.

Penalties for connivance at frauds, aiding in escapes, etc.

SEC. 2. The original section six is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend section one of an act passed April 9th, 1863, entitled an act supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed April 9, one thousand eight hundred and sixty-three, be amended so as to read as follows:

Sec. 1. That in any city of the second class, whenever in the judgment of the city council it shall become necessary to purchase a steam fire-engine or engines, it shall be lawful for the city council to make such purchase; and for the purpose of paying therefor, such city council are hereby authorized to contract loans and issue their bonds therefor in any sum not exceeding twenty thousand dollars, and payable at such time or times not exceeding fifteen years, and with such rate of interest, not exceeding six per cent. per annum, as may be provided by ordinance. The bonds hereby authorized to be issued, shall be signed by the president of the city council, and attested by the city clerk under his seal, and shall not be sold for less than their par value.

Council of city of second class may purchase steam fire-engine.

SEC. 2. That original section one of said act of April 9th, 1863, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

AN ACT

To amend "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, and the sixth section of the act entitled "an act to provide for the defense of the State, and for the support of the federal government against rebellion," passed April 18, 1861. 59 O. L. 71.

Be it enacted by the General Assembly of the State of Ohio, That section one of the act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30th, 1862, be so amended as to read as follows:

Sec. 1. That hereafter there shall be levied annually, for state purposes, on each dollar of taxable property in this state, as valued and entered on the grand list of taxable property in each year, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For the ordinary expenses of the state government, including the expenses of the benevolent institutions, and other charges on the general revenue, one mill; for the sinking fund, applicable to the payment of the interest on the state debt, and the gradual reduction of the principal thereof, nine-tenths of one mill, exclusive of and in addition to the levy for the principal and interest of the

Rates of taxes to be levied.

—for state government.

—for sinking fund.

AN ACT

Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it may be necessary for any city of the second class, having over thirteen thousand inhabitants, and less than twenty thousand inhabitants, at the last federal census, to provide grounds and improve the same, and the necessary highways leading thereto, for the purpose of a cemetery, it shall be lawful for the city council of such city to borrow such an amount of money, not exceeding thirty thousand dollars, as may be required, and for that purpose to issue the bonds of the city, bearing a rate of interest not exceeding six per cent., and payable at such time and place as the council shall deem proper, and pledge the faith of the city for the payment thereof: Provided, however, that all moneys so borrowed, shall be used exclusively to the purchase of ground and improvement of the same for cemetery purposes, and for no other purpose whatsoever.

City council may borrow money for cemetery purposes,

SEC. 2. Whenever it may be necessary for any such city to purchase grounds and to erect thereon a city hall, with offices and city prison, or engine houses and reservoirs, it shall and may be lawful for the council of such city to borrow an amount of money not greater than fifty thousand dollars, and for that purpose to issue the bonds of the city bearing a rate of interest not exceeding six per cent., and payable at such time and place, as to the council shall seem proper, and pledge the faith of the city for the payment of the same: Provided, that all moneys so borrowed shall be used exclusively for the purchase of grounds and erection of buildings thereon for the purpose aforesaid, and for no other purpose whatsoever.

—and for city hall, prison, engine houses, reservoirs, etc.

SEC. 3 For the purpose of paying the interest on the loans provided for in the two preceding sections, and the principal when the same shall become due, the council of such city is hereby authorized, in addition to the other taxes authorized by law, to levy and assess upon the property subject to taxation in such city, all such taxes as may be necessary to pay said interest when due, and to provide a sinking fund for the payment of said principal at maturity, which taxes shall be certified to the auditor of the county wherein such city is situate, to be placed on the county duplicate and collected as other taxes are collected; such taxes shall be a lien on the property whereon they are assessed, the same as state and county taxes, and subject to the same penalties if delinquent: Provided further, that none of the bonds issued by authority of this act, shall be sold for less than their par value, and shall not have longer than fifteen years to run.

Council may assess a tax to pay interest on bonds.

SEC. 4. This act shall be in force on and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To authorize the Trustees of the Ohio State Asylum for Idiots to purchase lands, and permanently locate said Asylum.

WHEREAS, The present location and buildings of said asylum are not suitable for the purpose; the location being an unhealthy one, the grounds so limited, and of such a character as to deprive the inmates of the most important means for their proper training and development, viz: labor and exercise in the open air; the buildings being so temporary in their character as to require extensive repairs to render them comfortable and make them suitable for the purpose: and,

WHEREAS, There is required annually a large sum of money to be appropriated for the payment of rents, a sum nearly adequate for the payment of the interest on a sum that would purchase a permanent site, with ample facilities for the reception and training of more than double the number now accommodated, at a very small additional cost; therefore, in the exercise of a wise economy, and in the discharge of the duty of the state to educate the weak and helpless children as well as the gifted and strong,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio State Asylum for Idiots, be and they are hereby authorized to purchase, or receive by gift, a tract of land suitable for a site for said asylum, and in such locality in the state, considering healthfulness of situation, facility of access, prices of living and cost of land and building materials, as said trustees shall find most desirable and best suited for the purposes of said institution, for the permanent location thereon of said asylum, and cause to be erected thereon suitable buildings for the use of said asylum: Provided, that no buildings shall be commenced by said trustees which will require a larger amount of money for their completion than the amount appropriated by this act, deducting therefrom the amount necessary to pay for the purchase of land, as provided for in this section.

Trustees of asylum for idiots to purchase land and erect buildings.

SEC. 2. That the sum of twenty-five thousand dollars be and the same is hereby appropriated out of any money in the treasury belonging to the general revenue, not otherwise appropriated, to carry into effect the provisions of this act. And the sum hereby appropriated shall be paid to the trustees of such asylum in such sums as they may from time to time certify to the auditor to be necessary to carry into effect the provisions of section one of this act.

Appropriation

SEC. 3. That in addition to the amount appropriated in the foregoing section, the trustees aforesaid are authorized to remove the materials belonging to the state, in the buildings now occupied by said asylum, and use them in the construction of new buildings and improvements provided for in this act, or to dispose of the same and use the proceeds thereof for the same purpose.

SEC. 4. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To amend section thirteen of an act entitled "an act to incorporate the original surveyed townships," passed March 14, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of the act above recited be so amended as to read as follows:

Religious societies may appoint agent.

His duties.

Sec. 13. That each and every denomination of religious societies, after giving themselves a name, shall appoint an agent, who shall produce to the trustees a "sworn" or "affirmed" certificate containing a list of their names and numbers, as contained in the records of such religious society, and who are members at the time such certificate is produced; and the agent shall pay over an equal dividend of the rents within three months after the same shall have been received, to be appropriated to the support of religion at the discretion of each society: Provided, that the trustees shall distribute said rents amongst the several religious denominations in proportion to their numbers residing in said township, without regard to the township in which such denomination may regularly assemble for public worship: Provided, that all members above the age of fifteen years shall be entitled to have their names enrolled by any society.

SEC. 2. That in all cases where the rents of said section have not been paid over to the proper society, the same shall be done as herein provided.

SEC. 3. This act shall take effect from and after its passage.

SEC. 4. That said original section thirteen be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To authorize the county commissioners, trustees of townships, and city councils, to levy a tax for the payment of bounties to volunteers, and to refund subscriptions made for that purpose.

County commissioners, city council, and trustees may assess tax to pay bounties to volunteers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the several counties, and the city council of the several cities, and the trustees of each township in this state, are hereby authorized, (if they deem the same expedient,) in the year A. D. 1864, to levy a tax upon the taxable property within their respective jurisdictions, for the purpose of raising a fund to pay bounties to volunteers who have enlisted or shall enlist in the military or naval service of the United States, under either of the requisitions of the President, in October, 1863, and February, 1864, for five hundred thousand additional troops, in the aggregate not exceeding one hundred dollars for each volunteer who shall have enlisted or may hereafter enlist therein, under said requisitions, and to repay and reimburse to counties, cities, wards, townships, and individuals, all moneys paid, pledged or subscribed by them respectively, as and for bounties to vol-

unteers enlisted, or who shall enlist under said calls, within their respective jurisdictions as aforesaid.

SEC. 2. All taxes authorized by this act shall be levied, collected, and disbursed under the restrictions and limitations herein provided.

SEC. 3. No greater amount of tax shall be levied under the authority of this act upon the property of any county, city, ward, or township, by the proper officers thereof respectively, than shall be necessary to raise a fund equal to one hundred dollars for each volunteer who has or may enlist under said requisitions of the president.

Bounty not to exceed $100.

SEC. 4. All levies by county commissioners under this act shall be ordered by them on or before the second day of their session in June next, and shall only apply to volunteers for the county at large.

Levies by commissioners to be applied for county at large.

SEC. 5. All levies by authorities other than the county commissioners, shall be ordered and certified to the county auditor, on or before the expiration of ten days after the time herein limited for making levies by county commissioners, who shall cause the same forthwith to be entered on the duplicate and collected as other taxes.

SEC. 6. All taxes levied under this act shall be placed on the tax duplicate, as other taxes against the same taxable property, and be styled "The Bounty Fund," to be collected as other taxes.

To be collected as other taxes.

SEC. 7. In order to anticipate the proceeds of the said tax, the county commissioners, the township trustees, and city councils, may, to an amount not exceeding the amount of the tax, borrow money, or transfer moneys from any other fund in the county, township, city or treasuries, not needed for the purposes for which they were levied, except the "school fund," or the "relief fund," which shall be repaid or refunded out of the proceeds of such tax when collected.

County, city, or township may borrow money.

SEC. 8. The county commissioners, township trustees, and city councils respectively, may offer and pay to each veteran volunteer not having previously received a local bounty, who has re-enlisted or may re-enlist, and to each other volunteer who shall hereafter enlist therein, respectively, under said requisitions, such bounty, not exceeding one hundred dollars, as they may determine.

—and may pay bounties.

SEC. 9. All sums of money paid, pledged, subscribed, secured, or advanced to the funds raised in any county, city, ward, or township, for bounties to volunteers who have enlisted under said requisitions, before the passage of this act, may, in the discretion of the commissioners of any county, or the trustees of any city or township, be treated and considered as loans of money to the county, city, township, or ward, for the filling of whose quota the same was so paid, pledged, subscribed, secured, or advanced, and the sums so paid, pledged, secured, subscribed, or advanced shall, on or before the first Monday of June next, be reported by the parties making the same, to the auditor of the proper county, duly verified by such party, together with the name of the township, city, or ward for which the same was done. Said claims shall also be endorsed and allowed as genuine by the trustees of the proper township, or the president of the proper city council; or in case they be preferred against the county, then other satisfactory proof thereof shall be made to the commissioners.

All moneys heretofore paid may be refunded.

SEC. 10. If it shall be made to appear to the county commissioners, on or before the second Monday in June next, that the claims so reported are just, wholly or in any part, they shall be adjusted as follows:

1st. For all moneys actually advanced and applied to the payment of bounties offered or pledged before the passage of this act, to volun-

Claims, how adjusted.

teers enlisting under said requisitions, the proper claimants shall respectively receive from the county commissioners certificates of the amounts so advanced and applied, stating therein the sums and the funds out of which, if other than the county levy, the same may be paid.

2d. For all such claims so reported, which shall be in the form of a subscription or pledge, upon the faith of which any volunteer has enlisted under said requisition, before the passage of this act, and the same, or any part thereof, remains unpaid, the claimant, upon depositing the unpaid balance of his or her pledge or subscription, in the county treasury, to the credit of the bounty fund of the proper city, county, or township for which the same was made, shall receive a like certificate as in the preceding case, and the money so deposited shall be subject to the order of the volunteer so enlisted on the faith thereof, if still entitled thereto.

3d. For all such claims so reported, which are founded on any bond, note, or other security, for money borrowed and paid, or pledged, as bounty to any volunteer enlisting under said requisitions, before the passage of this act, and any balance of the sum so borrowed shall remain unexpended or unapplied, upon depositing such balance in the county treasury to the credit of the proper city, township or county funds, the claimant shall receive for the amount so borrowed, a like certificate as in the preceding cases

SEC. 11. The certificate so issued shall be paid and redeemed after the collection of the tax upon their return to the county auditor, by the respective holders thereof, by his warrant on the county treasurer against the bounty fund of the city, township, or county liable therefor: Provided, that when the aggregate amount of such certificates chargeable against any such fund is greater than the fund applicable to their payment, a ratable proportion shall be paid on said certificates, and no more; and, as a basis of such computation, each city, township, and county, causing a levy to be made under this act, shall include in the order therefor a statement of what proportion of such levy shall be applied to the payment and redemption of such certificates.

All moneys unapplied to be paid into county treasury to credit of bounty fund

SEC. 12. All moneys heretofore borrowed, pledged, advanced, or subscribed for the payment of bounties as aforesaid, and remaining unapplied, and all sums which shall hereafter be raised by loan or otherwise, for such purpose, shall be paid into the county treasury, to the credit of the bounty fund of the county, township, or city for which the same was raised, and shall be paid out upon the order of the county commissioners, as the same may be required for the payment of bounties, and the commissioners shall issue their order in favor of each volunteer, on the certificate of the proper officer, that the volunteer has been regularly enlisted and mustered into the service of the United States under the existing calls of the president, and credited upon the quota of the state and county, and township or city paying the bounty.

Certificates of indebtedness, how redeemed, etc.

SEC. 13. In all cases where county commissioners, township trustees, or other municipal authorities have issued orders or certificates of indebtedness in any form, and used the same in payment of bounties, and the volunteers have sold or negotiated the same at less than par value, the commissioners, trustees, or other municipal authorities shall not redeem such orders or certificates by paying any more thereon than was received therefor by the volunteer when he sold the same, and the difference between the par value of such certificate and the amount for which it was sold, shall be paid to the volunteer to whom said certificate

was issued. The officers issuing such order or certificate are hereby empowered to establish rules for obtaining proof as to the amount received by the volunteer on the sale of such order or certificate, and their decision in the premises shall be conclusive.

Record of proceedings to be kept.

SEC. 14. The county commissioners, township trustees, and city councils shall make and preserve a complete record of all their proceedings under this act, which shall be kept open for public inspection.

Trustees acting individually or officially may have money refunded to them.

SEC. 15. In any township where the trustees thereof, acting individually or officially, have borrowed the money requisite to pay the volunteers or veterans, credited to such township, not exceeding one hundred dollars to each, the trustees thereof may certify the amount required to pay the same, as provided in section five, to the county auditor, who shall place the same upon the duplicate against the property of such township, and when collected, the county auditor, upon the requisition of said trustees, shall draw his order on the county treasurer for the same in favor of said trustees.

Trustees and city council may offer bounty for future calls.

SEC. 16. To provide for any call or calls which have been made since the requisitions mentioned in the first section of this act, or may hereafter be ordered by the president of the United States for volunteers, the city council of any city, and the trustees of any township in this state, are authorized, if they deem the same expedient, to offer a bounty for volunteers, not exceeding in any case the sum of one hundred dollars for such, required from any such city or township, [to fill] its quota under such call or calls. For the purpose of paying such bounty the city council, or township trustees, may borrow the amount of money required at any rate of interest not exceeding six per cent., and issue bonds therefor on the faith and credit of such city or township, which shall be binding and obligatory thereon, on the first Monday in May. After any such draft or drafts shall have been ordered, and the quota for city or township determined under it, the city council or the trustees, as the case may be, having issued such bonds, shall determine the amount of tax necessary to be levied on the property of the city or township to pay the same, with the interest thereon and cost of collecting, and immediately certify the same to the auditor of the proper county, who shall place the same upon the duplicate thereof, and assess the requisite amount of tax so required upon the property of said city or township in his county, and when collected the county auditor shall, on the requisition of such city council or township trustees, draw his warrant on the treasurer of his county therefor. The money shall be applied to the payment of said bonds and to no other purpose whatever: Provided, that in any city or township where there is any surplus after the payment of such bonds, the said surplus may be used and appropriated to the current expenses of such city or township.

—and may borrow money and issue bonds.

SEC. 17. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To amend section one of an act entitled "an act supplementary to the act for the regulation of county jails, passed March 13, 1843," passed March 16, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act supplementary to the act for the regulation of county jails, passed March 13, 1843," passed March 16, 1860, be so amended as to read as follows:

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county containing a city of the first class, and having a population exceeding fifty thousand, are hereby authorized and required, whenever they shall deem it best for the interest of said county, or the welfare of the prisoners confined by law in the jail of such county so to do, to notify the sheriff of such county that they will provide for the sustenance and comfort of such prisoners, and it shall thenceforth for such time as in their discretion they shall deem proper, be the duty of said commissioners at the expense of said county to provide for such prisoners.

County commissioners may provide for sustenance of prisoners in certain counties.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To provide for filling vacancies in the office of the board of public works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the office of any member of the board of public works, or any other state officer that is or may be elected by the people shall be vacant, and the filling of such vacancy is not otherwise provided for by law, such vacancy shall be filled by appointment of the governor, and the person so appointed shall hold such office until his successor shall be elected and qualified as provided by law.

Vacancy in board of public works, how filled.

SEC. 2. That when any vacancy, contemplated in the previous section, shall occur thirty days previous to any general election the same shall be filled at the first general election after the happening of such vacancy; and in all other cases such vacancy shall be filled at the next succeeding general election; and in all cases under this act the person appointed or elected shall only serve for the unexpired term of the person vacating the office and until a successor has been elected and qualified.

Same.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

AN ACT

To punish the counterfeiting and forging of stamps, notes, bonds. coupons, postage or fractional currency, or other security issued by authority of congress, and repeal an act entitled "an act to punish counterfeiting and forging notes issued by authority of congress," passed March 26th, 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or shall willingly aid or assist in falsely making, forging, counterfeiting, or altering any stamps, notes, bonds, coupons, postage or fractional currency, or other security, issued under the authority of any act of congress, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into this state with intent to pass, utter, publish, or sell, or shall have or keep in possession, or conceal with intent to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered stamp, note, bond, coupon, postage, or fractional currency, or other security, with intent to defraud any body, corporate, or politic, or any other person or persons whatsoever, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and shall be imprisoned in the penitentiary and kept at hard labor not exceeding fifteen years, according to the aggravation of the offense.

Penalty for counterfeiting notes, bonds, postage currency, etc., issued by U. S.

SEC. 2. That if any person having the custody of any plate or plates from which any stamps, notes, bonds, coupons, postage or fractional currency, or other securities mentioned in this act, or any part thereof, shall have been printed, or which shall have been prepared for the purpose of printing any such notes, bonds, coupons, postage or fractional currency, or other securities, or any part thereof, shall use such plate or plates, or knowingly permit the same to be used for the purpose of printing any such stamps, notes, bonds, coupons postage or fractional currency, or other securities, or any part thereof, except such as shall be printed for the use of the United States by order of the proper officer thereof, or if any person shall engrave, or cause or procure to be engraved, or shall aid in engraving any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such stamps, notes, bonds, coupons, postage or fractional currency or other securities, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into this state any such plate or plates with any other intent, or for any purpose, in either case than that such plate or plates shall be used for printing of such stamps, notes, bonds, coupons, postage or fractional currency or other securities, or some part or parts thereof, for the use of the United States, or shall have in his custody or possession any metalic plate engraved after the similitude of any plate from which any such stamps, notes, bonds, coupons, postage or fractional currency or other securities, or any part or parts thereof, shall have been printed with intent to use such plate or plates, or cause or suffer the same to be used, in forging or counterfeiting any such stamps, notes, bonds, coupons, postage or fractional currency, or other securities, or any part or parts thereof, issued as aforesaid, or shall have in his custody or possession any blank note or notes, bond or bonds, coupon or coupons, postage or fractional currency, or other security or securities, engraved and printed after the similitude of any stamps, notes, bonds, coupons, postage or fractional currency, or other securities issued as aforesaid, with intent to sell or otherwise use the same, or if any person shall print, photograph, or in

Having in custody or using counterfeit plates, etc.

Engraving, or conniving at engraving, vending, or selling.

Printing, photographing, etc

any other manner execute or cause to be printed, photographed, or in any manner executed, or shall aid in printing, photographing, or executing any engraving, photograph, or other print or impression, in the likeness or similitude of any such stamps, notes, bonds, coupons, postage or fractional currency, or other securities, or any part or parts thereof, except for the use of the United States, and by the order of the proper officer thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression, for the purpose of vending or selling the same, except by the direction of some proper officer of the United States, or shall have in his custody or possession any paper adapted to the making of such stamps, notes, bonds, coupons, postage or fractional currency or other securities, and similar to the paper upon which any such stamps, notes, bonds, coupons, postage or fractional currency, or other securities, shall have been issued with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the stamps, notes, bonds, coupons, postage or fractional currency, or other securities issued as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and shall be imprisoned in the penitentiary and kept at hard labor not exceeding fifteen years, according to the aggravation of the offense.

Punishment.

SEC. 3. That an act passed March 26th, 1863, entitled "an act to punish counterfeiting and forging notes," issued by authority of congress, be and the same is hereby repealed: Provided, that this repeal shall not affect pending prosecutions of crimes committed under said act previous to the taking effect of this act, but the same shall be prosecuted to final judgment the same as if this act had not been passed.

Act repealed.

Proviso.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To authorize the sale of determinable estates, and supplemental to the act for the sale or lease of estates tail in certain cases, passed April 4th, 1859.

S. & C., 550.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon like proceedings as authorized in the act to which this is supplementary, it shall be competent for the courts of common pleas of this state, on application of the donee of a fee simple estate, determinable on the happening of any future event or of any other qualified or conditional estate, or on the application of those claiming under the donee in any such case, to authorize the sale or lease of such estate, when satisfied that the proposed sale or lease would be for the benefit of the applicant, and do no substantial injury to the persons in succession or expectancy, as designated by the terms of the conveyance or devise by which such estate was created. And all moneys arising from sales under this act, shall for the purposes of descent, succession, re-

Court of common pleas may authorize sale.

version, or remainder, have the same character and be governed by the same principles as the estate sold; and shall pass, according to the terms of the deed, will, or other instrument creating the estate, and be invested and secured according to the provisions of the act to which this is supplementary. Character of proceeds of sale.

SEC. 2. When such estate is held in trust, the application may be made either by the trustee or trustees, or by those beneficially interested; but it shall be necessary that the holders, both of the legal and equitable title, in being at the time as aforesaid be made parties; and this section shall apply equally to the act to which this is supplementary.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To provide more effectually for the defense of the State against invasion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of repelling invasions, suppressing insurrection, or defending the state, and for the procuration of such arms, field batteries, equipments, camp equipage, subsistence, munitions of war, transportation, and all such other means and appliances as may be necessary to accomplish said objects, and fully to enable the governor of this state, as commander-in-chief of the militia of this state, to provide efficient and adequate means for the discharge of the duties devolving upon him by present or future laws of this state in relation to the matters aforesaid, there is hereby appropriated for the purpose of paying the necessary expenses so incurred, the sum of one million of dollars, to be audited and paid upon the allowance and certificate of the governor, and the governor is hereby required to make a report of all expenditures of said sum to this general assembly at its adjourned session. Appropriation for defense of state against invasion, &c.

SEC. 2. To provide money to meet the appropriation contained in this act, the commissioners of the sinking fund be and they are hereby authorized, empowered, and required to borrow on the faith and credit of the state, such sum and sums of money not exceeding in the aggregate one million of dollars, as may be ascertained by the auditor of state, and by him from time to time certified to them, to be necessary to meet the aforesaid expenditures. And whenever it shall become necessary under the action of the governor and auditor as aforesaid, to borrow any such sum and sums of money under the authority of this act, the commissioners of the sinking fund shall take such measures as in their judgment shall be needful to enable them to obtain the same without unnecessary delay. For the money so borrowed, the commissioners shall issue registered certificates to the proper parties, payable at the treasury of the state, or at the agency of the state, in the city of New York, at such time and times as they may deem proper, not longer than seven years from the first of June, 1864. The certificates issued shall Fund commissioners authorized to borrow money; —and may issue registered certificates therefor.

bear a rate of interest not exceeding six per cent. per annum, and shall not be subject to any tax or assessment levied under the authority of this state. The interest on certificates payable at the treasury of state, shall be payable the first day of May, and the first day of November in each year, and the interest on the certificates payable in New York, shall be payable on the first day of January, and the first day of July in each year.

Payment of interest.

Appropriation.

SEC. 3. There is hereby appropriated from any money in the treasury, and that may come into the treasury belonging to the sinking fund, for the payment of the interest on said loan or loans, so authorized as aforesaid, the sum of thirty-five thousand dollars. The expenses of the commissioners in making the loan herein authorized, shall be paid out of any money in the treasury belonging to the general revenue.

SEC. 4. This act shall take effect from its passage; and shall be in force for one year only.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To amend section twelve of the act entitled "An act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twelve of the above recited act be so amended as to read as follows:

Manufacturers must list all articles used in manufacturing, refining, &c.;

Section 12. Every person who shall purchase, receive, or hold personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making a gain or profit by so doing, shall be held to be a manufacturer, and he shall, when he is required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value estimated, as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of being used in whole, or in part, in any process or operation of manufacturing, combining, rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged.

—and all manufactured articles on hand, engines, tools, etc.

Every such manufacturer shall also list at their fair cash value, all articles on hand at the time when by law he is required to make his list, which had been by him manufactured, or changed in any way, either by combination, or rectifying, or refining, or adding thereto, one year or more previous thereto, and also the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered a part of any parcel or parcels of real property), in-

cluding all tools and implements of every kind used or designed to be used for the aforesaid purpose, owned or used by such manufacturer.

SEC. 2. That said section twelve be and is hereby repealed.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To amend the fourth and fifth sections of the "Act to preserve the purity of elections," as amended by the act of April 15, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections four and five of the "act to preserve the purity of elections," as amended by the act of May 15, 1857, be so amended as to read as follows:

Section 4. Any person who shall willfully vote in any township or ward in which he has not actually resided for twenty days next preceding the election, (unless authorized to do so by law,) shall, on conviction thereof, be imprisoned in the jail of the proper county, not more than six months nor less than one month.

Penalty for illegal voting in wards or townships.

Section 5. Any person being a resident of this state, who shall go or come into any county, and vote in such county, not being an actual resident thereof for thirty days next preceding the election, (unless authorized to do so by law,) shall, on conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than three years, nor less than one year.

Penalty for illegal voting in counties.

SEC. 2. Said amendatory sections four and five are hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To provide stationery for the state board of agriculture.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state is hereby authorized to furnish the Ohio state board of agriculture with such stationery as may be requisite to the proper discharge of the duties of said board, together with such blank books as may be necessary to keep the records of the transactions of said board: Provided, that an amount at the usual trade price of both stationery and blank books, not exceeding two hundred dollars, is demanded in any one year.

SEC. 2. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To amend sections two and five of an act therein named. ["An act to provide for the election of electors of president and vice president of the United States," passed February 15th, 1820.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two and five of the act entitled "An act to provide for the election of electors of president and vice president of the United States," passed February 15, 1820, be so amended as to read as follows:

Electors for president and vice president, how and when elected.

Section 2. The qualified electors of this state, except those whose places of voting have been or may hereafter be provided by some other law of this state or of the United States, shall, on the Tuesday next after the first Monday in November in this year, and in every fourth year thereafter, assemble in their respective townships, at the usual places designated for holding elections therein, and proceed to elect a number of electors of president and vice president of the United States equal to the number of senators and representatives this state may be entited to in the congress of the United States: which election shall commence and close at the same hours, and be conducted in the same manner, and of which the sheriffs of the respective counties shall give the same notices, as is or may be directed by law, for electing members of the general assembly of this state; but no senator or representative in congress, nor other person holding any office of trust or profit under the United States or any law thereof, shall be eligible as an elector of president and vice president.

Congressmen and U. S. officers not eligible.

When and by whom poll books shall be opened.

Section 5. That on the twelfth day after said election, unless some different day shall be temporarily designated therefor in some other law of this state or of the United States, the secretary of state shall, in the presence of the governor, auditor of state, and such of said sheriffs as may choose to attend, proceed to open all the poll books of the election of electors of president and vice president, returned to his office under this or any other law; the secretary shall cause the poll books, as they are opened to be read aloud, and shall make out a fair abstract of the names of the persons voted for, and the number of votes given to each; and the governor shall forthwith make out for the persons having the greatest number of votes, certificates of their having been duly elected electors of president and vice president of the United States, and transmit, by special message, the proper certificate to each peron so elected, and shall cause the election of electors to be published in the newspapers printed at the seat of government; but if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the secretary of state, in the presence of the governor, auditor and sheriffs aforesaid; the governor shall transmit the proper certificate and cause publication to be made as aforesaid; and the poll books shall be kept in the secretary's office, subject to the inspection of any person who may choose to examine the same.

Governor to issue certificates of election.

Acts repealed.

SEC. 2. That sections two and five of the above entitled act, and also the act amendatory thereof, passed February 19, 1848, be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To provide for the appointment of commissioners to exame claims growing out of the Morgan Raid, and prescribing their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is hereby authorized and required to appoint three suitable persons, one of whom shall be an experienced lawyer, as commissioners to examine claims of citizens of this state, for property taken, destroyed or injured by rebels, or union forces within this state during the Morgan raid in 1863. Governor to appoint three commissioners

SEC. 2. It shall be the duty of said commissioners to examine all such claims at such times and places as they may appoint, within the counties through which said raid passed, but no more than two such counties shall be required to present their claims at one place, and claims from other counties may be presented at the place of examination most convenient thereto. Said commissioners shall give notice by publication in a newspaper of each of the counties through which said raid passed, of the time and place appointed for the examination of claims from said counties. Their duties.

SEC. 3. Said commissioners shall appoint one of their number to act as their clerk, who shall perform such clerical duties as said commissioners may require.

SEC. 4. Said commissioners shall have power to call before them witnesses for and against said claims, and to examine them under oath, to be administered by either of said commissioners, and make all needful rules as to the presentation and examination of claims, not inconsistent with the provisions of this act.

SEC. 5. Said commissioners may, in their discretion, request the prosecuting attorney of the county where said claim is examined, to appear on behalf of the state, and upon such request said prosecuting attorney shall appear accordingly.

SEC. 6. Said commissioners shall examine all such claims duly presented, and find the amount of loss thereon, and whether the claim be meritorious as upon the evidence before them, they may deem just and equitable; and they shall keep a full and correct record of the claims presented, and of their action thereon; and shall, on or before December 15th, 1864, report their proceedings, their finding, and the facts upon which each claim is founded, to the governor, separating said claims into the following classes: Commissioners to examine claims and report to governor.

1st. Claims for property taken, destroyed, or injured by the rebels.

2d. Claims for property taken, destroyed, or injured by the union forces, under command of United States officers.

3d. Claims for property taken, destroyed, or injured by union forces, not under command of United States officers, with a statement showing specifically in each case, under what circumstances, and by what authority such property was so taken, injured or destroyed. It being the object of this act to have a careful examination of said claims and to report as to the nature and amount thereof, but to leave the question of the liability of the state open and undetermined for future action.

SEC. 7. Each claimant for personal property, shall prove whether the same was listed in his name in 1863, for taxation in this state, and if so, whether he placed the valuation thereon; and no claimant for the loss or destruction of property so listed, and valued by himself, shall be allowed a greater sum than such valuation. Proof, etc., required of claimant.

Commissioners must take oath. Their compensation. Compensation of prosecuting attorneys and witnesses.

SEC. 8. The commissioners appointed under this act shall, before entering upon their duties, take an oath of office, and their powers shall cease on January 1st, 1865. Each commissioner shall receive compensation for his services at the rate of fifteen hundred dollars per year for the time actually employed in the performance of his duties. Said prosecuting attorneys shall receive such compensation for their services, as said commissioners may allow, not exceeding five dollars per day, while actually employed. All witnesses called before said commissioners shall receive the same fees and mileage as in cases before justices of the peace, which shall be paid by the party on whose behalf the witnesses are called.

Appropriation

SEC. 9. There is hereby appropriated from any money in the treasury not otherwise appropriated, the sum of three thousand dollars, for the payment of the compensation of the officers aforesaid, and costs, and the traveling and incidental expenses of said commissioners.

SEC. 10. This act shall take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

Relative to the construction of the south fork feeder in Licking county.

Board of public works to reconstruct south fork feeder in Licking county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works shall, during the year A. D. 1864, reconstruct or remodel the south fork feeder, and the works connected therewith, near Kirkersville, in Licking county, according to the plan recommended by the board in their special report to the senate at the present session, together with the ditch as recommended by said report, to carry off the surplus waters discharged from the feeder, to the nearest practicable point in the south fork of Licking creek: Provided, that the lessees of the public works shall bind themselves to pay into the treasury of the state for that purpose, the sum of five thousand dollars: and, provided, also, that the owners of lands through which said ditch shall be constructed, shall release to the state the right of way for such ditch: and, provided farther, that all parties interested who have been subjected to damages caused by the overflow of waters from the feeder and its connected works by reason of their location, or defective or improper construction, shall release all claims on the state for damages heretofore sustained, or hereafter to be incurred by the causes aforesaid.

Proviso.

Further proviso.

Board shall cause survey to be made;

—and let contract to lowest bidder.

Thirty days notice to be given.

SEC. 2. The board of public works shall cause to be surveyed and laid out the line of said ditch, and proper estimates to be made of the cost thereof. And on the third day of June, A. D. 1864, between the hours of ten o'clock, A. M., and two o'clock, P. M., at the rotunda of the capital, in the city of Columbus, shall let out to the lowest bidder, the contract for the construction of said ditch, under such rules and regulations as the board may prescribe, having given public notice of such letting for a period of thirty days, by advertisements, published in two of the daily papers in the city of Columbus: Provided, that if the lowest bid by a responsible bidder shall exceed the sum of twenty-five hundred dollars, the said contract shall not be made unless some

responsible person or persons shall become bound to such bidder for the payment of such excess; and in no event shall the state be liable on such contract in any amount exceeding such sum of twenty-five hundred dollars.

Appropriation

SEC. 3. The sum of ten thousand five hundred dollars is hereby appropriated to carry this act into effect.

SEC. 4. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

For the relief of benevolent and charitable associations managed by women.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any benevolent or charitable association incorporated by or under the laws of this state, and of which women are or may be trustees, managers, or directors, is hereby authorized and empowered to vest the custody, control, and management of all their endowment or capital funds and property in three male trustees, to be styled "fiscal trustees," who shall be appointed from time to time as follows: One by the court of common pleas of the county where such association may be seated, one by the probate court of such county, and one by the vote of a majority of the members of such association present at a regular meeting duly convoked, and they shall hold their office for three years, except the first trustees so appointed, who shall hold their office respectively for one, two, and three years, and shall meet in the presence of the probate judge, and, by agreement, or by lot if they cannot agree, allot themselves accordingly, and said judge shall give to each a certificate of the term so allotted to him. In case of the death, resignation, or incapacity or removal from the county, of either of such trustees, the vacancy shall be filled for his unexpired term by the same appointing power.

Trustees, how appointed.

Term of service.

Vacancy, how filled.

SEC. 2. It shall be the duty of said trustees, and they shall have full and exclusive right, power, and authority, in the name and behalf of such association, to demand, take, and possess all the endowment or capital, funds or property, which such association may have or be entitled to have, and the same securely to manage, invest, change, and dispose of, at their will, for the use and benefit of such association so as to yield a regular income; and they shall, every three months, or oftener if necessary and convenient, give account of all said funds, property, and income, to the proper board of trustees, managers, or directors of such association, and shall collect and at such times pay over to them or their order, all the net income of such investments, after deducting the actual and necessary expenses of said trust: Provided, that no charge or allowance for the services of said trustees shall be made or permitted. And such trustees, for the purposes aforesaid, shall have power, in the name of such association, of contracting and being contracted with, and of prosecuting and defending suits; receiving, holding, and disposing of all moneys and property which such association may have or acquire, or be entitled to have, by gift, purchase, or other-

Powers and duties of trustees.

wise, for the endowment thereof, and when necessary for the purposes aforesaid, may use the common seal of such corporation: Provided, that they shall not have or exercise any power, authority, or control over the institution or affairs of such corporation, other than their fiscal affairs as hereinbefore limited, nor be liable for the debts of such association, or for any thing but their own acts or negligence.

SEC. 3. Any benevolent or charitable association hereafter formed, coming within the purview of the first section of this act, may make the provisions of this act part of their articles of incorporation, and any such association now incorporated by or under any general or special law of this state, may accept the provisions of this act, by a vote of the majority of the members present at a regular meeting, and when so accepted, a certified copy of such acceptance shall be filed with the recorder of the county where such association has its seat, and shall be recorded by him in the book of records provided for religious and other societies, and thereupon the provisions of this act shall become and be a part of their charter.

Any incorporated charitable association may accept the provisions of this act.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

Supplementary to "an act supplementary to the act passed May 3, 1852, to provide for the organization of cities and incorporated villages," passed April 10, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of "an act supplementary to the act passed May 3, 1852, to provide for the organization of cities and incorporated villages," passed April 10, 1861, are hereby extended to and made applicable to incorporated villages which at the last federal census had a population of less than two thousand inhabitants.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

AN ACT

To enable the qualified voters of this state in the military service to exercise the right of suffrage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, during the existence of the present rebellion, any

of the qualified voters of this state shall be in the actual military service thereof or of the United States, and as such shall be absent from the township or ward of their residence, either within or beyond the limits of the state, on the days appointed by law for holding county, state, congressional or presidential election within the state, such qualified voters shall be entitled, at such time, to exercise the right of suffrage, as fully as if they were present within their respective townships, or other usual place of elections: Provided, that the terms of this section shall be construed to embrace all qalified voters of Ohio engaged in said service, as teamsters, wagoners, quarter-masters and their employees, and those engaged in the subsistence, transportation and naval departments of said service.

Voters in military service entitled to exercise the right of suffrage.

SEC. 2. A poll shall be opened in each regiment, battery and independent battalion, at the quarters of the commanding officer thereof; and all electors belonging to said regiment, battery or battalion, who shall be within two miles of such quarters on the day of the election, may vote at the poll thereof. Officers other than those of a regiment, battery or battalion, and other electors, mentioned in the first section of this act, who may be detached or absent from their respective commands, or not members of such regiment, battery or battalion, may vote at any of said polls which may be most convenient to them on the day of election; or, where ten or more of such detached, absent, or other electors aforesaid, distant more than one mile from any regimental, battery or battalion poll, shall be at or convenient to any post, or other place or vessel, whether such detachment consists of one or more companies, parts of companies, or other electors, they may open a poll thereat, the same to be so certified by the judges of the election.

Polls, where to be opened.

SEC. 3. The polls shall be opened at nine o'clock in the morning, and closed at five o'clock in the evening.

Time of polling.

SEC. 4. At nine o'clock in the morning, on the day of election, the electors present at each of the places where a poll may be opened, shall elect *viva voce* three persons present at the time, and having the qualifications of electors, for the judges of said election; and the judges so elected shall then appoint two of the persons so present, who shall be qualified to act as clerks of said election.

Judges and clerks of election.

SEC. 5. Before any votes shall be received, said judges and clerks shall each take an oath or affirmation that he will perform the duties of judge or clerk, as the case may be, of said election, according to law and the best of his abilities, and that he will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same; which oath any of the judges or clerks, so provided for or elected, may administer to each other, which oath or affirmation shall be in writing, signed by said judges and clerks, and certified to by the party administering the oath, and attached to the poll book.

Oath of judges and clerks.

SEC. 6. All elections shall be by ballot, and the judges of elections may, and upon challenge of any voter, shall examine, under oath, the applicant to vote, (which oath any of said judges may administer), in respect to his right to vote, and his qualifications to vote in the particular ward, township or county of this state in which he claims residence.

Vote by ballot. Challenge, etc.

SEC. 7. The county of the elector's residence shall be written or printed on his ballot, which shall be so folded as to expose the same to the view of the judges, when offered at the polls; and no ballot shall be placed in the ballot-box upon which the county is not so written or printed, and plainly seen by them.

County where elector resides must be printed or written on ballot.

Name, residence, rank, &c., of elector to be entered on poll book.

SEC. 8. Each elector shall, on presenting his ballot to the judges, declare and announce to them his name, the county and township, or city, of his residence, the letter of his company, the name or number of the regiment, battery, battalion, or other organization to which he belongs; or if he belongs to none, then he shall state his rank and position in the service, or the character thereof; and the same shall be entered on the poll books, in the manner indicated in the form herein given, duplicates of which shall be kept by the clerk.

Manner of voting.

SEC. 9. That the judge to whom any ticket shall be delivered, shall upon receipt thereof, pronounce with an audible voice the name of the elector, and if no objection is made to him, and the judges be satisfied that said elector is a citizen of the United States, and legally entitled, according to the constitution and laws of this state, to vote at said election, he shall immediately put said ticket into the box, without inspecting the names of the persons voted for, and the clerk shall enter the name of the elector on the poll book.

Counting the names of voters, etc.

SEC. 10. At the close of the polls, the poll books shall be signed by the judges, and attested by the clerks, the names counted, and the number set down at the foot of the poll books, and a certificate of the oath of judges and clerks attached thereto.

Duplicate tally sheets.

SEC. 11. Duplicate tally sheets shall be made out of the votes of each county separately. For this purpose such number of assistant clerks may be appointed by the judges as may be necessary for despatching the business, who shall take the same oath prescribed for the principal clerks. The votes of each county shall be entered on the tally sheets thereof, in separate columns, opposite the names of the persons voted for, and the tally sheets duly certified by the judges, and attested by the principal clerks in the manner herein provided.

Canvassing votes.

SEC. 12. After the poll books are signed, the ballot-box shall be opened and the ballots taken out one at a time by one of the judges, who, whilst holding the ballot in his hand, shall announce the county for which it was cast, and the names of the several persons therein contained, together with the respective offices for which each name is designated. He shall then deliver it to the second judge, who after examining the same shall pass it to the third judge, who shall string it upon a thread and carefully preserve it. As the ballots are read, the clerks and their assistants shall make the proper entries upon the tally sheets of the proper county.

Tally sheets to be inspected by the judges.

SEC. 13. When the examination and counting of the ballots are completed, the tally sheets of each county shall be carefully inspected by the judges, and the number of votes given for each candidate be ascertained and set down opposite his name on the tally sheet, as indicated in the form herein given.

Disposition of poll books and tally sheets.

SEC. 14. After the tally sheets are certified and attested, the judges shall enclose one tally sheet for each county in an envelope, and transmit the same carefully sealed up, by the first mail, express, or other safe means of conveyance, to the clerk of the court of common pleas of such county, who shall file and preserve the same with the poll books returned from the townships, wards, and election precincts within the county. They shall also enclose one of the poll books and all the ballots in one envelope or package, and by the next mail, express, or safe means of conveyance, transmit the same carefully sealed up to the governor, who endorsing thereon the date of its receipt, shall deposit the same in the office of the secretary of state, there to remain unopened until delivered to the state board of canvassers, hereafter provided for. They shall en-

close the other poll book, together with one full set of the tally sheets, in another package or envelope, and by mail, express, or other safe means of conveyance, transmit the same carefully sealed up, not sooner than five days after the election, to the state auditor, to be by him retained unopened until delivered to the state board of canvassers as aforesaid.

Fraudulent votes.

SEC. 15. That whenever two or more ballots are found folded, or rolled together, it shall be conclusive of their being fraudulent.

SEC. 16. If a ballot shall be found to contain more than one name for the same office, it shall be considered fraudulent as to the whole of the names designated for that office, but no further.

When returns to be opened and result declared, &c.

SEC. 17. Whilst this act continues in force no person shall be declared duly elected, no certificates of election shall be issued, and no election returns under this or any other act for the same offices shall be opened until the thirtieth day after any general election, or until the twentieth day after any presidential election, at which time, or within three days thereafter, all the returns of tally sheets, made to the common pleas clerks shall be opened in the manner, and by the officers now authorized to do the same; the votes canvassed, the result declared, abstracts made, and certificates issued, and all other acts by law required of them in the premises be done; and all votes shown by the tally sheets to have been cast under the authority of this act, shall be counted with the returns of county, state, congressional, and presidential elections, received from the several polls within the county, and be included in the general abstracts. And the election of all county and state officers shall be subject to contest in the manner now prescribed by the general election law; for which purpose any elector or candidate of the proper county, shall have twenty days from the time the returns are opened, and the result declared within which to enter appeal, and give notice of contest, and thirty days within which to commence taking testimony, in which contest, all returns made, and votes given at said election, whether held under this or any other act shall be open to inquiry and investigation.

Subject to contest.

BOARD OF CANVASSERS.

Board of canvassers.

SEC. 18. The auditor of state, treasurer of state and secretary of state shall constitute a state board of canvassers. In case any of these officers decline, or is unable to serve, or be a candidate, then the governor, upon notice to him of such declination or inability, or candidacy, shall appoint some other suitable person to fill the vacancy so created, who, before entering upon the duties of said appointment, shall take and subscribe an oath faithfully and impartially to discharge the same, which shall be filed in the office of the governor; and the person or persons so appointed shall receive five dollars per day while employed as such canvassers: Provided, however, that no one of the canvassers so appointed shall receive more than fifty dollars for any one election.

DUTIES OF THE BOARD.

—their duties.

SEC. 19. It shall be the duty of the board of canvassers, a majority of whom shall form a quorum to transact business, and who shall hold their sessions at the office of the state auditor, to cause to be printed a sufficient number of copies of this act, also of blank forms of poll-books, tally-sheets, and election returns, for the use of the electors in the military and naval service of the United States and of this state, which, together with postage stamps sufficient to defray the expense of postage

on returns, shall, at least six weeks before any such election, be forwarded by the governor to the commanding or other officer in charge of each regiment, battery, independent battalion, hospital, post or other station for Ohio soldiers, who shall retain the same until the day of election, and then deliver them to the judges elected as in this act provided; and the secretary of state, under the direction of said board, shall furnish and provide all necessary stationery therefor, which the board may require of him.

CANVASSING RETURNS.

Board to canvass returns.

SEC. 20. On the thirtieth day after every such general election, or within three days thereafter, and on the twentieth after any such presidential election, the secretary of state shall, on demand, deliver to the board of canvassers all the poll-books, tally-sheets and ballots so returned and deposited in his office, and the said board shall proceed at once and as rapidly as possible to open and canvass the same, making and certifying duplicate abstracts thereof, by counties, and sorting and arranging and stringing the ballots of each county separately, declare and certify the number of votes shown by the tally-sheets to have been cast for each candidate therein named respectively; one of which abstracts shall be deposited in the office of the governor, and the other in the office of the secretary of state, to which the said poll-books, ballots, and tally-sheets shall be returned and therein kept on file.

Abstract to be deposited with governor and sec'y of state.

Abstracts subject to inspection.

SEC. 21. The said poll-books, ballots, tally-sheets and abstracts in the office of the secretary of state shall be at all times subject to the inspection of any candidate or elector interested in the same, and on demand of any such candidate or elector, and the payment of one dollar, the secretary of state shall make out and certify to the clerk of the court of common pleas of the proper county, a copy of any such abstract.

Governor shall compare abstract of soldiers' vote.

SEC. 22. Before issuing and delivering any commission to any person claiming to be elected to any of the offices referred to in the first section of this act, the governor shall compare the abstract of the soldiers' vote for the proper county or counties in his office, with the abstracts returned to the office of the secretary of state by the clerks for the same counties, and if it shall appear therefrom that the abstracts from the counties omit therefrom such number of the soldiers' vote as would change the result of the aggregate votes, he shall issue the commission to the person shown by said aggregate vote to be entitled thereto.

SEC. 23. During the opening the poll-books, and canvassing the same by the clerk and justice aforesaid, or by the board of canvassers, any candidate, or his friends, not exceeding three in number, shall, on demand, be permitted to be present, and remain until the same is completed.

Form of poll-book, etc.

SEC. 24. The form of the poll-book, given below, may be substantially followed.

The blanks in the caption may be filled as follows:

The 1st blank with the numbers, 1st or 2d, as the truth may be.

The 2d blank with the word "October," in case of any general election; and "November," in case of any presidential election.

The 3d blank with the proper year.

The 4th blank with the word "Regiment," "Battery," or "Independent Battalion," if the poll be for either.

The 5th blank with the number thereof, if any.

The 6th blank with the letter "I.," or "C.," or "A."

The 7th blank with the name of the station, post, hospital, or place at which the election is held.

The 8th and 9th blanks with the name of the county and state in which the election is held.

The blank columns of the poll-book may be filled as indicated in the form.

THE FOLLOWING IS THE FORM.

POLL BOOK of the election held on the (1) Tuesday of (2) A. D. (3) by the qualified electors of the State of Ohio, in (4) No. (5) O. V. (6) at (7) in the county of (8) and state of (9) of which election A., B., C., D. and E., F. were judges, and J., K., and L., M. were clerks duly and severally sworn as per certificate below, ten of such electors being present thereat.

1	2 Names of voters.	3 Letter of company.	4 Regiment, Battery, or Battalion.	5 No. thereof.	6 County of residence.	7 City or township of residence.	8 Kind of service, if elector belongs to no regiment, battery, or battalion.
No. 1.	C. P.	H.	Regiment.	10	Hamilton.	Cincinnati.	
No. 2.	R. S.		Battery.	4	Logan.	Lake tp.	
No. 3.	T. U.				Muskingum	Owen tp.	Brig. gen'l.

It is hereby certified that the number of electors of the state of Ohio, at this election, amounts to

A. B.,
C. D,
E. F.,

Attest,

J. K.,
L. M., Clerks.

Judges of Election.

FORM OF CERTIFICATE OF OATH OF JUDGES AND CLERKS.

We, A. B., C. D. and E. F., judges of this election, and J. K. and L. M., clerks, do each severally swear that we will perform the duties of judges and clerks, as severally acting as above set forth, according to law and the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit or abuse in conducting the same.

A. B.,
J. K., C. D.,
L. M., Clerks. E. F., Judges.

I here certify that C. D., E. F., judges, and J. K. and L. M., clerks, were, before proceeding to take any votes at said election, first duly sworn as aforesaid.

A. B., Judge of Election.

October 18 .

I certify that A. B., judge aforesaid was also so sworn by me.

J. K., Clerk of election.

October 186 .

SEC. 25. The tally-sheets of county, state and congressional elections may be in the form substantially as follows:

Tally-Sheet of voters, names of persons voted for, for what offices, the number of votes given for each candidate, cast by the qualified electors of county, in the State of Ohio, in the military service of the United States, at an election held on the Tuesday of , A. D. , in No. O. V. at , in the county of , and state of , of which A. B., C. D. and E. F. were judges, and J. K. and L. M. clerks.

		Total vote for each candid't
For Governor.	A. B. B. S.	
" Lieutenant Governor.	G. N. O. T.	
" Secretary of State.	F. A. E. N.	
" Auditor of State.	R. O. S. G.	
" Treasurer of State.	K. C. M. S.	
" Attorney General.	P. O. J. B.	
" Judge of Supreme Court.	T. R. W. M.	
" Board of Public Works.	L. I. F. T.	
" Representatives in Congress.	H. R. P. N.	
Senators — In General	S. O. G. B.	
Representatives — Assembly.	P. T. A. N.	
For Judge of Court of Common Pleas.	W. L. J. M.	
" Probate Judges.	L. B. R. Y.	
" Clerk of Court.	O. H. J. G.	
" Sheriff.	E. B. N. K.	
" Coroner.	C. S. T. W.	
" County Auditor.	J. H. N. S.	
" County Treasurer.	O. R. B. J.	
" County Recorder.	L. S. B. N.	
" County Surveyor.	F. W. B. P.	
" Prosecuting Attorney.	T. V. O. J.	
" County Commissioners.	N. B. S. T.	

SEC. 26. The tally-sheets of presidential elections may be in form substantially as follows:

Tally-sheet of an election held on the Tuesday next after the first Monday in November, A. D. , in , No. , O. V. ' at , in the county of and state of , by qualified voters of the State of Ohio, showing the names of the persons voted for, for electors of president and vice president of the United States, for the State of Ohio, and the number of votes cast for each.		No. of votes cast for each candid't
	L. M. J. K. R. M. F. W. L. S. } Each received.	
	L. S. R. P. M. T. S. T. R. M. } Each received.	

SEC. 27. The certificate and attestation to be endorsed on the tally-sheets of all such elections by the judges and clerks, shall be substantially as follows:

It is hereby certified that the within and foregoing tally-sheet is correct, and shows the number of votes cast at this election by the qualified electors of ———— county, state of Ohio, thereat, the names of the persons for whom, and the offices for which, the same were cast, and the number given for each candidate.

A. B.,
C. D.,
E. F.,
Judges.

Attest,
J. K.,
L. M., Clerks.

SEC. 28. When any election under this act shall be held in this state, all the provisions of the general law in relation to frauds at elections and the punishment thereof, consistent with the provisions of this act, shall apply to all elections under this act.

SEC. 29. No compensation shall be allowed to any judge or clerk under this act.

Sheriff to transmit copy of proclamation of election to officers.

SEC. 30. When the sheriff of any county shall issue his proclamation for an election for presidential, congressional, state or county election, under the laws of this state, he shall transmit immediately copies thereof to the field officers and senior captains in the service aforesaid from said county.

Appropriation for expenses.

SEC. 31. The sum of ten thousand dollars is hereby appropriated from the general revenue, to be paid upon the order of the secretary of state and state auditor, to carry this law into effect.

SEC. 32. It shall be the duty of the governor to issue an order to the proper officers, requiring them to transmit as early as practicable to the adjutant-general of Ohio a copy of the October muster-roll of each company and battery in the military service from Ohio, in each year.

SEC. 33. If there shall be two or more poll-books purporting to be poll-books of the same regiment, battery, battalion, company, post or hospital, it shall be the duty of the state board of canvassers to compare such poll-books with each other and with the muster-rolls aforesaid, and they may refer to the files and records in the office of the adjutant-general. If it shall clearly appear upon such examination that any of such returns are false and fraudulent, it shall be the duty of the canvassers to reject such fraudulent returns: Provided, however, that such rejection shall not be conclusive, but evidence may be given in any contested election case of the genuineness of such returns.

SEC. 34. The returns rejected by the canvassers as fraudulent, shall be filed separately, and a list describing them shall be made out by said canvassers and kept in the office of the secretary of state for the inspection of any one who may desire to examine the same.

SEC. 35. This act shall take effect upon its passage, and the "act to enable the qualified electors of this state in the military service of this state or of the United States, to exercise the right of suffrage," passed April 13th, 1863, is hereby repealed. The repeal of said act shall not be construed or held to affect any of the provisions or requirements of the act entitled "an act to enable the qualified voters of cities and incorporated villages which are divided into election districts and wards, of this state, who may be in the military service of this state, or of the United States, to exercise the right of suffrage," passed March 23, 1864.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

To amend section one of an act entitled "an act supplementary to the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853," passed March 7, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act supplementary to the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853," passed March 7, 1860, be so amended as to read as follows:

Section 1. That for the purpose of purchasing land for a cemetery,

City councils may levy tax to purchase land for cemeteries.

the council of any municipal corporation shall have power to levy, in addition to the taxes otherwise authorized by law to be levied upon the taxable property of such municipal corporation, a tax not exceeding one mill on the dollar each year, during a term not exceeding six years, which tax shall be collected in the same manner as other taxes of said corporation, and the moneys arising from such levy shall be set apart exclusively for the purposes of said purchase: Provided, that the aggregate amount levied for said purpose shall not exceed ten thousand dollars.

Sec. 2. That original section one of the act which is hereby amended, be and the same is hereby repealed, and this act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

S. & C., 452.

To amend an act entitled "an act to protect literary societies," passed April 2, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Willfully disturbing, &c.; a misdemeanor.

Section 1. That if any person or persons shall hereafter willfully disturb, molest, or interrupt any literary society, school, or society formed for the intellectual improvement of its members, or any other school or society organized under any law of this state, or any school, society, or meeting, formed or convened for improvement in music, letters, or for social amusement, such person or persons so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be

Penalty.

fined in any sum not less than five, nor more than twenty dollars, with costs of prosecution, and shall stand committed until such fine shall have been paid: Provided such commitment shall not exceed five days; and provided further, that the judgment for costs shall not be abated until such costs shall have been fully paid.

Sec. 2 That the title of said act be amended so as to read as follows: "An act to protect literary societies and schools."

Sec. 3. This act shall take effect and be in force from and after its passage.

Section repealed.

Sec. 4. Section one of an act entitled "an act to protect literary societies," passed April 2, 1859, is hereby repealed: Provided, that all offenses committed while said section was in force shall be prosecuted and punished as if said section was not repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

Additional to an act passed March 21, 1863, entitled "an act supplementary to an act entitled an act to enable husbands of insane women to convert real estate, freed from the right of dower, on conditions," passed and took effect March 29 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the husband of any insane woman resident in the State of Ohio, who has or shall have, conveyed any real estate, by him owned in this state, in which such insane woman has a contingent or vested right of dower by virtue of the said ownership of her husband or otherwise, and shall not have joined her husband in said conveyance, may apply by petition to the court of common pleas of the county in which such insane woman shall have had *bona fide* residence, for at least one year next preceding the time of filing said petition, for leave to have any part or all of said real estate so conveyed, released, and disencumbered of her said dower right therein, which petition shall set forth therein the insanity of the wife, together with a description of the land proposed to be affected; to which petition said insane wife, her guardian, if she have one, and all persons in interest, shall be made defendants, and said petition shall be proceeded in, in all respects, in the manner prescribed in the act to which this is additional; except, that instead of ordering the petitioner to sell said real estate, or to convey, or assign to such insane woman any part thereof, the court shall direct the petitioner to make such investment as in said act provided, or may require the petitioner to secure the amount to the use of the said insane woman by the mortgage to her of unincumbered real estate, in at least double the value thereof; and upon the petitioner complying with the order of said court, the court shall enter an order and decree, releasing and discharging the said real estate from the incumbrance of such contingent or vested right of dower, and shall adjudge the holder of the legal title, or other party liable to pay to petitioner, any sum or sums that may have been withheld or retained as indemnity against such dower right.

Husband of insane woman shall petition court of common pleas.

Dower of wife to be secured by investment or mortgage.

SEC. 2. This act to take effect upon its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 30, 1864.

AN ACT

To authorize the board of public works to lease land at lock number one, in Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That authority be given to the board of public works to lease, on such terms as they may deem advantageous to the State, to the highest bidder, after giving three weeks' notice in some newspaper of general circulation in the city of Cincinnati, of the time, place, and terms of such letting, for a term of twenty years, all or any portion of the land now owned by the state of Ohio for the use of the Miami and Erie canal, in Cincinnati, between Court street and Lockport basin, and adjoining Lockport avenue on the east, so far as the same may be neces-

To be let to the highest bidder.

sary in their judgment to bring into use such water power as may now be owned by the state at lock No. 1 in said city, on said canal; and, in making such lease, said board shall provide, in addition to other stipulations that they may deem necessary, that no improvements or structures of any description shall be erected on said premises that shall in any manner obstruct the flow of water through the premises leased, or destroy or injure the present supply of water for milling purposes on locks below said lock No. 1.

No obstructions to flow of water to be allowed.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 30, 1864.

AN ACT

To amend the fifth section of "an act prescribing the rates of taxation for state, county, township, city, and other purposes," as amended by an act passed April 14, 1863, (O. L., vol. 60, page 113,) and to amend the second and third sections of said entitled act as amended by an act passed April 14, 1863. (O. L., vol. 60, page 93.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, as amended by an act passed April 14, 1863, be so amended as to read as follows:

Annual levy for village and city purposes.

Section 5. There shall hereafter be levied, annually, by the constituted authorities of each incorporated village and city, for village and city purposes, not including taxes for school and school-house purposes, nor for the payment of the interest and the principal of the debts of such village or city, upon each dollar of the taxable valuation of property in such village or city, in lieu of the taxes heretofore authorized by law, such rate of taxes as may be determined upon by said authorities respectively, and certified to the county auditor to be necessary, not exceeding the following rates, that is to say: For each incorporated village having a population less than twenty-five hundred inhabitants, one mill and three-tenths; for each incorporated village having a population over twenty-five hundred inhabitants, two mills; for each city of the second class, two mills; and, in such cities of the second class using steam fire engines, or having graded wharfs or landings for the convenience of trade and travel on navigable waters, or graded and graveled, macadamized, or paved streets, or city cemeteries, any sum in addition thereto, for keeping the same in repair, and for the support of the fire department, not exceeding one mill and a half; for each city of the first class, five mills; and all cities and incorporated villages in which gas works and fixtures or water works have been, or may hereafter be erected, may make a further assessment of not exceeding three-fourths of one mill on the dollar, for aid in lighting and supplying with water such cities and incorporated villages: Provided, that the aforesaid limitations shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city or incorporated village, for the purpose of paying the cost thereof, and the damages occasioned thereby, or prohibiting any tax authorized by law for special purposes.

Rates.

Proviso.

SEC. 2. That section two of said act passed April 30, 1862, as amended by said act, passed April 14, 1863, be amended so as to read as follows:

Section 2. There shall hereafter be levied annually by the commissioners of the several counties of the state, on each dollar of taxable property in their respective counties, mentioned in the first section of the act to which this is an amendment, taxes at the rate herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For all county expenses, of whatever character, other than taxes for bridge, road, building, and poor purposes, and for the payment of the interest and principal of the debts of the county, such rates as the commissioners of the county shall, at their June session, determine to be necessary, not exceeding in any case the average of the following rates, that is to say: On any amount of such taxable property in the county not exceeding one million dollars, three mills; on any amount of such taxable property exceeding one million and not exceeding two millions dollars, two mills; on any amount of such taxable property exceeding two millions and not exceeding six millions dollars, one mill and a half; on any amount of such taxable property exceeding six millions of dollars, one mill; for road, bridge and building purposes each, such rates as the commissioners may, at or before their June session, determine, not exceeding six-tenths of a mill on any amount of taxable property on the county duplicate as aforesaid, not exceeding six millions dollars; on any amount of such taxable property exceeding six millions and not exceeding ten millions dollars, four-tenths of one mill; on any amount of such taxable property exceeding ten millions and not exceeding twenty millions dollars, three-tenths of a mill; on any amount of such taxable property exceeding twenty millions and not exceeding thirty millions dollars, one-tenth of a mill; and on any amount of taxable property exceeding thirty millions, one-twentieth of a mill; and the tax herein authorized for road, bridge, and building purposes, may be used in common for said purposes, as may be found necessary by the commissioners; and for county poor purposes, in counties having a county infirmary, not exceeding one mill on each dollar of the taxable property of the county, valued and entered as aforesaid: Provided, that in case any important bridge or bridges belonging to and maintained by any county, shall be destroyed by any casuality, and the restoration thereof may be necessary for public accommodation, the commissioners of such county may levy a special tax for that purpose, not exceeding one-half mill on the dollar of taxable property in the county in any one year, the proceeds of which tax shall be applied solely to the restoration of such bridge or bridges. If the trustees of any township in this state shall deem an additional road tax necessary in addition to the amount levied by the commissioners of their county, they shall determine the additional per centum to be levied upon the taxable property of their respective townships, not exceeding one mill on the dollar, where the taxable property of the county in which such township is located does not exceed six millions of dollars, and certify the same to the county auditor, in writing, on or before the first Monday in June in each year; and the auditor of the county shall assess the same, together with the per centum levied by the commissioners on all the taxable property in the townships, and the auditor of the county shall, on or before the third Monday in June in each year, forward the list of the taxes for road, bridge and building purposes (except that part of the same set apart by the commissioners for bridge and building purposes,)

For certain county purposes.

Rates.

Road, bridge, and building purposes.

Poor purposes

Proviso.

Additional road tax.

Duty of county auditor.

made out as provided by the twenty-eighth section of "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, to the clerk of each township, who shall immediately make out a list for each supervisor, of all persons in his district against whom any road tax may stand charged, together with the amount of such tax charged against each person; and each supervisor shall notify every such person agreeably to the provisions of the thirty-fourth section of the above mentioned act, passed February 13, 1853, to work out the same on the public highways: And, provided further, that the commissioners of Hamilton county may levy a tax not exceeding four-tenths of one mill on the dollar upon the taxable property of said county, to aid in the support of Longview asylum.

SEC. 3. That section three of said act, passed April 30, 1862, as amended by the second section of said act, passed April 14, 1863, be amended so as to read as follows:

Section 3. There shall hereafter be levied, annually, for township purposes, including the relief of the poor, but not including the support of common schools or the payment of the interest and principal of the debts of the township, such rate of taxes as the trustees of the respective townships may certify to the county auditor to be necessary, not exceeding one mill on each dollar of the taxable valuation of the property in the township, not exceeding two hundred thousand dollars, and one-half of one mill of such taxable valuation exceeding two hundred thousand dollars: Provided, that in counties where there is no county infirmary, a further township tax, not exceeding three-fifths of a mill on each dollar of the taxable property of the township, may be levied for the relief of the poor, but this proviso shall not apply in counties having an infirmary.

Tax for township purposes.

Proviso.

SEC. 4. That said sections two, three and five, as amended by said act, passed April 4, 1863, be and the same are hereby repealed.

Sections repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

To amend the first section of an act entitled "an act to provide for taking the depositions and affidavits, and procuring the acknowledgments of deeds, mortgages, and other instruments of writing of persons absent from the state and in the military service of the United States," passed March 24, A. D. 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act to provide for taking the depositions and affidavits, and procuring the acknowledgments of deeds, mortgages and other instruments of writing of persons absent from the state, and in the military service of the United States," passed March 24th, A. D. 1863, be so amended as to read as follows:

Section 1. That the colonel, lieutenant-colonel, major, or adjutant of any regiment or battalion, which has been or may hereafter be raised

in this state, and now is or may hereafter be in the service of the United States, or of this state, whether regular or volunteer, shall be and is hereby authorized to administer oaths, and take depositions, affidavits and acknowledgments of deeds, mortgages, leases and other conveyances of lands, and all powers of attorney relating thereto, to be used or recorded in this state, of any person without this state, who for the time being shall be in the service of the United States, or of this state, in any regiment or battalion raised in this state or connected therewith, in the same manner as a justice of the peace or commissioner of this state might do.

Officers in U. S. service to administer oaths, etc.

Sec. 2. That sections one and four of the above entitled act be and the same is hereby repealed.

Sec. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

For the relief of the sureties of constables and city and village marshals in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any constable or marshal of any city or incorporated village shall neglect or refuse on demand made for that purpose by the person entitled thereto, his agent or attorney, to pay all moneys by him received in his official capacity, for the use of such person, the sureties of any such constable or marshal, or any one of them, may give notice to the trustees of the township or the council of the city, or incorporated village in which said constable or marshal resides, of the refusal or neglect of such constable or marshal to pay over moneys by him collected by virtue of his said office, and that he or they are unwilling to continue as security for such constable or marshal.

When constables or marshals neglect or refuse to pay over public funds, sureties may give notice of refusal to continue as security.

SEC. 2. It shall be the duty of the trustees or city or village council, as the case may be, upon such notice being given, to immediately inform said constable or marshal, in writing, of the refusal of his sureties to continue as such, and that he is required to give a new undertaking, conditioned according to law, and if such constable or marshal shall give said undertaking to the satisfaction of said trustees or council within ten days after receiving said notice, the sureties upon said first undertaking shall be released and exonerated from all further liability upon said bond, and if said constable or marshal shall fail to give a new undertaking within ten days after having received said written notice, such failure to give said undertaking shall be deemed and taken as a resignation of his office, and the trustees or council shall proceed to fill such vacancy as is provided for in other cases.

Trustees or city council to inform constable or marshal of refusal.

May give new bond within ten days.

Failure to give new bond vacates office.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

S. & C., 447.

To amend section one of the "act for the prevention of certain immoral practices," passed February 17, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act for the prevention of certain immoral practices," passed February 17, 1831, be amended so as to read as follows:

Penalty for sporting, shooting, fishing, etc., on Sunday.

Penalty for working unnecessarily.

Proviso.

Section 1. That if any person of the age of fourteen years or upward shall be found on the first day of the week, commonly called Sunday, sporting, rioting, quarreling, hunting, fishing, or shooting, he or she shall be fined in a sum not exceeding twenty dollars, or be confined in the county jail for a term not exceeding twenty days, or both, at the discretion of the court. And if any person of the age of fourteen years or upward shall be found on the first day of the week, commonly called Sunday, at common labor, (work of necessity and charity only excepted,) he or she shall be fined in a sum not exceeding five dollars, nor less than one dollar: Provided, nothing herein contained in relation to common labor on said first day of the week, commonly called Sunday, shall be construed to extend to those who conscientiously do observe the seventh day of the week as the Sabbath, nor to prevent families emigrating, from traveling, watermen from landing their passengers, superintendents or keepers of toll bridges or toll gates from attending and superintending the same, or ferrymen from conveying travelers over the waters, or persons moving their families on such days.

Section repealed.

SEC. 2. That said original section one of the above recited act, be and the same is hereby repealed: Provided, that all offenses committed, or prosecutions pending under said section so repealed, shall not be affected by such repeal.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

S. & C. 940.

Supplementary to an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, and took effect June 1, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions now pending in any of the courts of this state, or hereafter commenced therein, for the redemption of any real estate from any lien or incumbrance created by virtue of any mortgage thereon, where service shall be made on any of the defendants by the service of summons and copy of complaint made out of this state, in pursuance of the 74th section of the code of civil procedure, duly proved by affidavit or otherwise, any order, judgment or decree rendered by the court in such action, shall be as valid and binding on any of the defendants thus served, and have the same force and effect in regard to the notes and indebtedness secured by such mortgage, as well as all other purposes, as if service on the defendants had been made of such

summons, by the proper officers within the jurisdiction of the court, as provided by law.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

To amend an act entitled an act extending the time for enclosing railroads by fences and cattle guards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed in the act entitled an act providing for enclosing railroads by fences and cattle-guards, passed March 28, 1862, be and the same is hereby extended so as to require said roads to build fences and cattle-guards within one year from the first day of March, 1864: Provided, that this act shall not apply to any railroad company that pays a dividend upon its stock.

Term extended.

Proviso.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

Repeal.

SEC. 3. This act shall take effect on and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

To amend an act entitled "An act to amend an act to provide for the regulation and management of the institutions for the Blind and Deaf and Dumb," passed April 8th, 1856, passed May 1st, 1862.

59 O. L. 93.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act, passed May 1st, 1862, be so amended as to read as as follows:

Section 1. That each board of trustees shall have the government and control of its respective institutions, with power to appoint and remove for sufficient cause, the superintendent and teachers, to fix the compensation which each shall receive: Provided, that the superintendent of each of the above institutions may receive a sum for their services, not exceeding one thousand dollars per annum; and the steward of each of said institutions, a sum not exceeding five hundred dollars per annum.

Powers of trustees.

Salaries of officers and teachers.

The physicians each a sum not exceeding two hundred dollars per annum.

The matrons each a sum not exceeding three hundred dollars per annum.

The assistant matrons a sum not exceeding two hundred dollars per

annum: Provided also, That the instructors of each of said institutions may each receive for their services a sum per annum not exceeding one thousand dollars. All of said officers and teachers to be paid quarterly out of the state treasury, on the warrant of the auditor.

How paid.

SEC. 2. That section one of the above named act is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

AN ACT

To amend an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section XLI of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, be so amended as to read as follows:

Failure to keep road in repair; proceedings.

Section XLI. That if any turnpike or plank road company shall fail to keep its road in repair for five successive days, any person may file a complaint in writing before any justice of the county, setting forth the nature of the defect complained of, designating the place in the road where it exists, and it shall be the duty of said justice to appoint two disinterested persons as inspectors to meet at the place complained of within five days, and of the time and place of meeting, reasonable notice shall be given to the gate-keeper nearest the place of meeting, and the inspectors shall then examine into the truth of the matter complained of and if they shall find the complaint to be true they shall send a certified copy of the complaint and of their finding thereon to the keeper of each of the gates between which such defective place shall be, and thereafter no toll shall be received at such gates for the intermediate distance until the parts of the road complained of shall be fully repaired and accepted by said inspectors. And it shall be the duty of said inspectors as soon as notified that such repairs have been made, to examine the same, and if approved, to immediately certify the same to the said gate-keepers, and thereupon said gate-keepers may proceed to collect tolls; and if the keeper of such gates shall demand or receive toll before receiving such notice, he shall be liable to pay the sum of five dollars to the party injured to be recovered by action of debt before any justice having jurisdiction, and the company moreover shall be liable to any person injured for damages sustained by reason of such road being suffered to remain out of repair by the neglect of the company; and the inspectors and justice shall be entitled to receive one dollar per day for their services, which shall be paid by the company if the complaint be sustained; and if it fail, then by the complainant, and to the amount so taxed shall be added the expense of sending the notices to the gate-keepers as required by this act.

Penalty.

Pay of inspectors and justices.

SEC. 2. That said section XLI be and the same is hereby repealed.
SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
March 30, 1864. *President pro tem. of the Senate.*

AN ACT

To prevent the killing of wild deer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, at any time before the fifteenth day of September and after the first day of December, to catch, kill, or destroy, or to pursue with such intent, any wild deer, or to have in possession, or expose to sale, any of said game mentioned in this act during the season when the killing, injuring, or pursuing of the same is herein prohibited. Time specified.

SEC. 2. Any person offending against the provisions of this act shall on conviction, be fined in any sum not less than twenty dollars, nor more than forty dollars, for each offense, with costs of prosecution. Penalty.

SEC. 3. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace, or other officer, or other court having jurisdiction, and all fines imposed or collected in such cases shall be paid into the county treasury, for the benefit of common schools. Proceedings.

SEC. 4. That that part of section second of an act entitled "an act to prevent the killing of birds and other game," passed April 10th, 1857, that relates to the killing, injuring or pursuing of wild deer, be and the same is hereby repealed. Repeal.

SEC. 5. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
March 31, 1864. *President of the Senate.*

AN ACT

To regulate the standard weight per bushel of stone coal, and the measure of cord wood.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the standard weight of a bushel of stone coal shall be eighty pounds avoirdupois for bituminous, and seventy pounds avoirdupois for cannel coal. Standard weight of coa.

SEC. 2. All sales of stone coal shall be made by weight unless otherwise specially agreed by the parties to the contract.

SEC. 3. The standard measure of a cord of fire-wood shall be one hundred and twenty-eight cubic feet well stowed and packed. Measure of cord wood.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
March 31, 1864. *President of the Senate.*

AN ACT

Supplementary to an act entitled "An act to provide a board of commissioners to examine certain military claims, and making an appropriation for their payment.

WHEREAS, by the above recited act, the auditor of state, quartermaster-general, and treasurer of state, were appointed a board of commissioners to examine certain military claims therein named against the state of Ohio; and,

WHEREAS, the said board organized, and examined wholly or in part a large number of said claims, but were unable, owing to the expiration of the time within which they were limited, to complete their said labors, by which a portion of said claims were examined and audited, another portion examined but not audited, and another portion not examined, and,

WHEREAS, good faith on the part of the state of Ohio requires that all just claims against the state and due her citizens, shall be duly examined, audited and paid; therefore,

Board of com.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state, quartermaster-general of Ohio, and treasurer of state, be and they are hereby constituted a board of commissioners to examine, adjust and allow such claims of the citizens of Ohio, as in the opinion of said commissioners, shall be just and proper, not otherwise provided for, accruing previous to the year 1863, growing out of military transactions, and of the following character, to wit:

Claims of volunteers.

1st. Claims for pay of volunteers enlisted under the authority of the State or general government, for such time as they are not entitled to receive pay from the general government, although such volunteers may have been discharged without having been mustered into service.

Recruiting service.

2d. Claims for recruitimg service, and the reasonable and legitimate expenses incident thereto, accruing under the authority of this state or the general government, where the contract or understanding at the time has been fully complied with on the part of the claimants, and not on the part of the state or general government, through consolidation of regiments or otherwise.

Field officers of regiments.

3d. All claims of field officers of regiments raised, or authorized to be raised for the army of the United States, for the time such officers were actually engaged under appointments from the governor in organizing such regiments, or doing duty in camps of rendezvous or instruction, before their muster into service of the United states, in case they were discharged from service by the consolidation of their regiments.

Quartermasters' stores, etc.

4th. Claims for quartermasters' stores, clothing, blankets, shoes, caps, fuel, medicines, and other goods furnished volunteers on orders from commissioned officers not lower in rank than colonel, or other officers commanding a regiment in command of such volunteers.

Transportation and subsistence.

5th. Claims for necessary transportation, traveling expenses, and subsistence.

Labor, printing, etc.

6th. Claims for labor, hospital services, teaming and printing.

Camp expenses.

7th. Claims for supplies furnished to, labor done for, and grounds used for camps under contracts authorized by the governor or other proper officer, by the regiments of state militia organized under the acts of the general assembly of the state, April 26th and May 8th and 9th, 1861.

Camp grounds

8th. Also for the claims for the use of grounds occupied under contract made by authority of the governor, and used for camps, and for

damages thereto, which may have been submitted to the board of claims organized under the act of May 1, 1862.

Powers and duties of board.

SEC. 2. The said board shall have power to call witnesses before them, and examine them under oath, which oath may be administered by either member of said board, or their clerk; to require the production of books and papers by order served by the clerk; to make all necessary rules, general or special, which may be necessary in the premises; and decide all claims, fixing the amount as in their judgment, and with the evidence before them, shall seem just and equitable.

No compensation.

Governor to fill vacancy.

Vouchers.

SEC. 3. Said board and attorney-general shall receive no compensation for their services; and in case either should refuse, or be otherwise unable to serve on said board, the vacancy shall be filled by appointment by the governor, and it shall require the endorsement of at least two of said commissioners on triplicate vouchers, fixing the sum allowed to entitle the claimant to pay.

Clerk of board —his duties and compensation.

SEC. 4. Said board is hereby authorized to employ a competent clerk, whose duty it shall be to keep a full and correct record of all claims presented, make true abstracts thereof for the use of the board, execute all orders of the board, and receive as compensation such sum as the board may fix, which compensation, together with the expenses necessary in executing orders, &c., shall be paid from an appropriation contained in the eighth section, and there is hereby appropriated from any money refunded, or if that be insufficient, from that which may be refunded by the United States, the sum of one hundred thousand dollars, to pay the claims which may be allowed by said board of commissioners: Provided, however, that nothing herein contained shall prevent the allowance and payment of such just and proper claims as were rejected by the commissioners appointed under the act of the general assembly, entitled "an act to provide a board of commissioners to examine certain military claims, and making appropriations for their payment," passed May 1st, A. D. 1862.

Appropriation.

Proviso.

Board to report.

SEC. 5. The power herein conferred upon said board shall end on the 15th day of December, A. D. 1864, on or before which day said board shall report the result of its investigation to the governor, to be by him presented to the next session of the general assembly of this state; and said board shall preserve triplicate vouchers for all claims allowed, with a view to having the same refunded by the general government.

Preceedings on allowed claims.

SEC. 6. In all cases where a claim is allowed by said commissioners, the same shall be filed in the office of the secretary of state, and they shall immediately certify the same to the auditor of state, who shall draw an order on the treasurer of state in favor of such claimants for the amount so allowed. It is hereby made the duty of the attorney-general to appear and represent the state before said commissioners, when said claims are investigated, and then and there contest the validity of such claims, if in his opinion the same should not be allowed.

Duty of attorney-general.

Board not to re-examine rejected claims.

SEC. 7. That said board shall not re-examine any claims which were presented to, examined and rejected by the board of commissioners, appointed under the act entitled "an act to provide a board of commissioners to examine certain military claims and making appropriation for their payment," passed April 13, 1863.

Appropriation for expenses of board.

Report to governor.

SEC. 8. That for the ordinary and necessary expenses of said board, including clerk hire, there is hereby appropriated out of the general revenue the sum of one thousand dollars, and the said board shall keep an account of such expenses, and report the same to the governor,

which shall likewise be presented by him to the general assembly at the next session thereof.

SEC. 9. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 31, 1864.

AN ACT

To organize and discipline the militia of Ohio, and to repeal an act therein named.

White males between 18 and 45 to be enrolled and perform military duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all white male citizens, residents of this state, being eighteen years of age and under the age of forty-five years, shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the constitution and laws of the United States, as hereinafter prescribed.

Assessors to take annual enrollment of militia and return copy thereof to county auditor.

County auditors to transmit abstract of enrollment to adjutant-general.

SEC. 2. That it shall be the duty of township assessors of the several townships, and the assessors of the several wards of the several cities, annually, in May, at the same time they are taking the assessment of personal property, to make a list of persons living within their respective limits, liable to enrollment, and return a certified copy thereof to the auditor's office of the proper county, on or before the third Monday of May, who shall file the same, and annually, on or before the third Monday of August, transmit a statement showing the number enrolled in each township or ward, to the adjutant-general of the state; county auditors upon satisfactory proof, are authorized to correct said rolls, by adding the name of any person omitted, or striking off the name of any person improperly enrolled.

Who shall give information to assessors.

SEC. 3. Keepers of taverns or boarding houses, and masters or mistresses of dwelling houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them, give information of the names of the persons residing in their houses, liable to enrollment or to do military duty; and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress, or person, refuse to give such information, such keeper, master or mistress shall forfeit and pay twenty dollars, and such person shall forfeit and pay ten dollars, to be recovered on complaint of either of the assessors.

Penalty for refusal to furnish information.

Persons enrolled to perform military duty, or pay commutation.

Commutation does not exempt from service under calls to prevent invasion, &c.

SEC. 4. All persons who are subject to military duty under the provisions of this act, and who are not now members of some volunteer organization, shall either become members of some volunteer organization, or shall pay into the county treasury annually the sum of four dollars, which sum shall be a commutation for fines and penalties for neglect to perform military services, except under calls to prevent or repel invasion, or suppress insurrection: Provided, nevertheless, that if the numbers of any volunteer company shall be reduced below the minimum standard, a draft may be made from the enrolled militia, as hereinafter provided for.

If assessors neglect to en-

SEC. 5. If any of the assessors of the several townships of this state, or of the several wards of the several cities, shall refuse or neglect

to perform any of the duties required of them by this act, the governor may order the adjutant-general, or such person or persons as he may deem proper, to perform any or all of the duties so neglected to be performed by said assessors. Every assessor who shall in any case refuse or knowingly neglect to perform any duty enjoined on him by this act, shall, for every such neglect or refusal, pay to the state not less than one hundred dollars, to be recovered before any court of record in the state, and shall be committed to the county jail until such fine and costs shall be paid, or secured to be paid: All fines and penalties collected under any of the provisions of this act, except as provided in section thirty-seven of this act, shall be paid into the county treasury of the proper county, and shall constitue a part of the military fund of the county.

roll, then governor to order enrollment.

Penalty for refusal by assessors to enroll.

All fines, &c., to be paid into county treasury.

Military fund.

EXEMPTIONS.

Exemption.

SEC. 6. In addition to the persons absolutely exempted from enrollment in the militia by the laws of the United States, the persons hereinafter exempted shall be absolutely exempted from enrollment, viz:

Persons in U. S. service.

1st. All persons in the army or navy or volunteer forces of the United States.

Persons discharged therefrom after one year's service.

2d. Persons who have been or hereafter may be honorably discharged from the army or navy of the United States, in consequence of the performance of military duty for one year.

Com. officers who have served under this act for five years and are honorably discharged.

3d. Commissioned officers serving under this act, who shall have served as such in the militia of this state for the space of five years; but no officer shall be so exempt, unless by his resignation after such term of service duly accepted, or in some other lawful manner he shall have been honorably discharged.

Non-commissioned officers, musicians and privates, after serving five years, except in cases of invasion, &c.

4th. Every non-commissioned officer, musician and private of every uniformed company raised, or hereafter to be raised, since May 1st, 1863, uniformed according to the provisions of any law of this state, and who shall have performed services in such company or troop for the space of five years from the time of his enrollment therein, shall be exempt from military duty, except in cases of war, insurrection or invasion.

Persons physically disabled, how exempt.

5th. Every person physically disabled may be exempted from military duty, if he files with the county auditor, on or before August 15th of every year, a statement of a reputable physician or surgeon, certifying that such person is unfit for military duty by reason of such physical disability or bodily infirmity, which shall be described in said statement. This statement must be verified by the affidavit of said physician or surgeon. If any person shall knowingly or willfully make a false affidavit in this matter, he shall be deemed guilty of perjury.

Idiots, lunatics and felons exempt.

6th. Idots, lunatics, and felons convicted of infamous crimes, unless pardoned, shall not be subject to military duty.

County auditor to publish notice, requiring payment of commutation money.

Treasurer to give duplicate receipts.

Thirty per cent penalty.

SEC. 7. Upon the filing of the rolls with the county auditor, he shall give two weeks notice, by general publication in the county papers, requiring the payment of the commutation money into the county treasury, for which the treasurer shall give duplicate receipts, one of which shall be filed with the county auditor, on the filing of certificates of exemption, on or before August 15th of that year, and also giving notice that if any person shall fail to file such exemption papers or pay the commutation money, the auditor shall proceed to collect the same, with a penalty added thereto of thirty per cent. The auditor is hereby re-

To be collected by distress, with penalty. Collectors, their pay. Auditor's compensation. Commanders of companies to deposit copies of company rolls.

quired to collect the same by distress, together with the penalty, and such costs as are allowed to county treasurers, upon distraint for taxes, and for that purpose is hereby empowered to appoint collectors, at a remuneration of not over twenty per cent. on the amount collected, together with costs. The auditor shall receive such compensation for extra services under this act as the county commissioners may allow, not to exceed five per cent. on the amount collected. Commanders of companies shall, on or before the 15th of August of each year, deliver to the proper county auditor certified copies of the company rolls, showing the persons exempt from the payment of commutation money; and is hereby authorized to draw his order on the county treasurer for the amount of the costs of publication required by this act in favor of the party to whom the same is due: Provided, the sum paid for such publication shall not exceed one dollar per square.

Moneys collected, where paid. Military fund. Only to be used for benefit of volunteer force. How drawn from treasury.

SEC. 8. All moneys collected by the auditors of the respective counties under the provisions of this act, shall be paid into the county treasury, which shall, together with the aforesaid commutation money paid into the county treasury, and fines and penalties collected under this act, constitute the military fund of the county; and no money shall be drawn therefrom except for the benefit of the volunteer force of the county, on the warrant of the county auditor, on the certificate of the ranking military officer of the county, approved by the adjutant-general, or as hereinafter may be provided, in special cases.

Assessors to be paid for their services.

SEC. 9. Assessors shall be compensated for their services in making the enrollment required by this act, at the same rate and in like manner as they are compensated for making the annual assessments of property.

NATIONAL GUARD.

National guard. Volunteer companies under law of 1863 to be continued.

SEC. 10. The active militia shall be called the national guard, and shall be composed of volunteers as organized under the act of April 14, 1863, volunteers organized under this act, and such persons as may be drafted therein, as hereinafter provided; and in case of war, invasion, the prevention or reasonable apprehension of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the state, shall first be ordered into service: Provided, that during the existing rebellion, in case of actual or threatened invasion, or apprehended insurrection and obstruction to the execution of the laws, the governor, whenever in his opinion the public safety demands it, may call into, and continue in the field, upon active duty, such numbers of the national guard, by regiments, battalions, squadrons, batteries or companies, as organized under the laws of this state, for such period and under such rules and regulations for calling them into the field as he may deem necessary and proper, and for that purpose may establish camps of instruction and rendezvous for such troops: Provided further, that regiments, battalions, squadrons, companies, or batteries thus called, to such camps and into active duty, may, if the public interests will not thereby be damaged, be relieved after a period of service of sixty days, by other regiments, battalions, squadrons, companies, or batteries, called in like manner to relieve them.

To be the first called into service. Powers of the governor, in case of actual or threatened invasion, &c.

May establish camps of instruction.

To be relieved after sixty days.

Governor to authorize organization of different arms.

SEC. 11. The commander-in-chief may authorize the formation of such number of volunteer companies of infantry, artillery, and cavalry, as the good of the service may indicate, to the number of not less than thirty regiments of infantry, of ten companies each, to be apportioned throughout the state by the commander-in-chief, as nearly as may be in accordance with the population thereof, and of the strength respectively

prescribed for volunteers in the service of the United States, and order elections therein, which shall be conducted in accordance with the provisions of this act; and the commander-in-chief may prescribe for every such volunteer company or battery such rules and regulations as in his judgment will increase the discipline and efficiency of the same, and may consolidate any detachments of the same arm, or he may disband them and order the officers to be mustered out, as he shall deem proper. And in the artillery arm, volunteer batteries may be organized, if the commander-in-chief shall deem proper, as follows: For a battery of two guns, one first and one second lieutenant, three sergeants, four corporals, one musician, one artificer, and not less than thirty-eight nor more than forty-one privates. For a battery of four guns, one captain, one first and one second lieutenant, six sergeants, eight corporals, two musicians, two artificers, one wagoner, and not less than seventy-six nor more than eighty-one privates. For a full company, or battery of six guns, one captain, one senior first lieutenant, one junior first lieutenant, one senior second lieutenant, one junior second lieutenant, eight sergeants, twelve corporals, two musicians, two artificers, one wagoner, and not less than one hundred and fourteen nor more than one hundred and twenty-two privates. And two or more batteries may be consolidated by order of the commander-in-chief, at his discretion, so as to form a four gun or a six gun battery, with the strength and upon the basis herein prescribed.

Elections.
To prescribe rules and regulations.
May consolidate or disband.
Artillery organization.
Two guns.
Four guns.
Six guns.
Consolidation of batteries.

SEC. 12. If any company now organized, or that may be organized under this act, shall become reduced below the minimum standard by death, discharges, or otherwise, and the governor shall deem it necessary to call it into active service to defend the state against invasion or insurrection, or danger thereof, it shall be lawful for the commander-in-chief to order a sufficient number of persons to be drafted to fill said company, from the enrolled militia, from such district as he may designate within the county, where such company was organized; first, from those of the enrolled militia who have not commuted their services, as provided for in this act; second, from those who have so commuted their services; and in such cases the commutation money paid by such drafted persons, shall be returned to them: Provided, payment was made within three months preceding said call. And the persons so drafted shall thereupon be enrolled as members of said company, and shall be subject to the duties herein mentioned; and in case of non-performance of such duties, shall be subject to the penalties prescribed in this act.

May order draft to fill reduced company.
Who first drafted.
Commutation money to be refunded.
Drafted persons are members of "National Guard."

SEC. 13. To every regiment, battalion, and company organized under the provisions of this act, there shall be the same commissioned and non-commissioned officers as provided for in the revised army regulations of the United States army. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, the rank shall be determined by lot, drawn before the commander of the division, brigade, regiment, battalion, company, or detachment, or president of a court martial, as the case may be. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred, in the same grade, the date of the original appointment shall be expressed and considered the date of his commission.

Organizations to conform to revised army regulations.
Rank.

OFFICERS—ELECTION AND APPOINTMENT OF.

SEC. 14. The staff of the commander-in-chief shall be appointed by the governor, and the commission shall expire with the term for which

Governor's staff appointed.

the governor shall have been elected, and their compensation shall be as is fixed by law.

Officers to be elected by ballot.

SEC. 15. Field officers of regiments and battalions shall be elected by ballot by the officers, non-commissioned officers, musicians, and privates of the respective regiments or battalions.

SEC. 16. Commissioned officers of the line shall be elected by ballot of the officers, non-commissioned officers, musicians, and privates of their respective companies.

Certain officers appointed, and how.

SEC. 17. Adjutants, quartermasters, chaplains, surgeons, surgeons' mates, sergeant-majors, quartermaster-sergeants, commissary-sergeants, drum-majors, and fife-majors, shall be appointed by the respective commanding officers of regiments; sergeant-majors and quartermaster-sergeants of battalions shall be appointed by the commanding officers thereof. Non-commissioned officers of companies shall be appointed by the respective captains of companies, who shall forthwith return the same in writing to the commanding officer of the regiment or battalion.

Election, when ordered.

SEC. 18. No election of officers shall be ordered in a company hereafter organized, until at least eighty-three men have enlisted therein. Upon the enlistment of that number, and notification given to the commander-in-chief, by one or more petitioners for the company, attested by a county commissioner of the county wherein such company is to be organized, an election of officers may be ordered. If there is no officer of the state guard conveniently located to preside at such election, the electors may select a presiding officer from their number.

Recruits, how enlisted.

SEC. 19. After the organization of a company, recruits shall sign their names in a book of enlistment, kept by the company for that purpose, which signing shall be a legal enlistment.

Elections, by whom ordered

SEC. 20. The commander-in-chief shall order elections for field officers of regiments or battalions. The commanding officers of regiments or battalions shall order elections to fill vacancies of commissioned officers in their respective companies.

Vacancies in field offices, how filled.

SEC. 21. Whenever the office of any field officer in any organized regiment or battalion is vacant, the commander-in-chief shall issue an order to fill the vacancy, and shall designate a field officer, or some other proper officer, to preside at such election.

Vacancies in company offices. Notice of election.

SEC. 22. Whenever the office of a commissioned officer in any organized company or troop is vacant, the commanding officer of the regiment or battalion to which such company or troop belongs, shall cause a written or printed notice of the time and place of an election, to be served on the members of such company or troop, at least three days before such election shall take place, or shall cause at least one week's notice thereof to be published in some paper of general circulation in the county.

Ranking officer to preside at election.

SEC. 23. If the officer causing the notice to be given shall not attend the meeting for the election, then the officer of the highest rank present shall preside at such meeting. The officer issuing such notices shall cause the proper evidence of such notice to be delivered to the presiding officer. The company roll, carefully revised, shall be delivered with such evidence. If legal notice of such election has not been given, the presiding officer shall adjourn the meeting, and cause such notice to be given. The presence of a person entitled to vote at any election shall be deemed a waiver of his right to take exception to the want of legal notice.

SEC. 24. The presiding officer at any election for commissioned offi-

cers, shall keep the polls open at least one hour after the time appointed for holding the same. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been elected, and an election shall be held for a new choice.

Polls to be kept open. Publicly canvass the votes. Office vacated if not accept within ten days.

SEC. 25. Immediately after the person elected shall have signified his acceptance, the officer who shall have presided at the election shall, in case of the election of a field officer, forward the same to the commander-in-chief, with a copy of the poll book, and in all other cases shall certify to the commanding officer of the battalion or regiment, the names of the persons duly elected, and said commanding officer shall communicate the same to the commander-in-chief.

Poll books, &c., to be forwarded to commander-in-chief.

SEC. 26. Every person thinking himself aggrieved by the proceedings at the election for a commissioned officer, may appeal, if the election be for a field officer, to the commander-in-chief, and in other cases, to the commanding officer of the regiment or battalion to which such person belongs.

Appeal.

SEC. 27. The officer appealed to shall have power to administer oaths, and shall hear and determine the appeal, and if, in his opinion, the proceedings at such election were illegal, he shall declare the election void, and shall order an election to be held without delay, for a new choice.

Power of officer under appeal.

SEC. 28. Any person concerned may appeal from the decision of the commanding officer of the regiment or battalion to the commander-in-chief, who shall hear and determine such appeal, and, in case it shall be necessary, order a new election.

Appeal from regimental officers' decision.

SEC. 29. The commander-in-chief shall issue commissions to all officers duly elected or appointed in pursuance of the provisions of this act, and every officer duly commissioned shall, within ten days after his commission shall have been tendered to him, or within ten days after he shall have been duly notified that the same is held in readiness for him, by any superior officer, take and subscribe the oath prescribed in the constitution of the state, and an oath of office, and also the following oath, to wit:

Governor to issue commissions.

Officers to take oath.

County of ——— } *ss.:*

I, ——, of ——, in the county of ——, and state of Ohio, do solemnly —— that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto; that I will bear true faith and allegiance to the government of the United States, and defend it against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

Oath of office.

Sworn to and subscribed before me this —— day of ——, 18—.

And in case of refusal or neglect to take such oath within the time mentioned, he shall be deemed to have resigned said office, and a new election shall be forthwith ordered to fill his place. A neglect or refu-

Refusal to take oath vacates office.

sal of an officer elect to take such oath, shall be no excuse for neglect of duty until another shall be duly commissioned in his place.

Copy of oath to be filed in adjutant-gen's office.

SEC. 30. A certificate shall be endorsed by the officer administering the same, on the commission, and a copy thereof shall be filed in the adjutant-general's office.

SEC. 31. A majority of all the votes cast at an election shall be necessary for a choice.

Resignation, how forwarded to the governor.

SEC. 32. No officer shall be considered out of the service on the tender of his resignation until it shall be accepted by the commander-in-chief. The commanding officers of regiments shall receive the resignations of such commissioned officers as may resign in their respective regiments, and shall transmit the same to the adjutant-general, with his indorsement of approval, or disapproval, and statement of facts.

Election to fill vacancy.

SEC. 33. On accepting the resignation of any officer, the commander-in-chief shall cause the necessary notice and order to be given for an election to fill the vacancy so created.

Absence or removal vacates office.

SEC. 34. Every officer who shall move out of the city or county where his command is organized, and every officer who shall be absent from his command six months without leave of his commanding officer, shall be considered as having vacated his office, and a new election shall be held, without delay, to fill the vacancy so created.

Numerical designation.

SEC. 35. The several companies of cavalry and infantry, and the batteries of artillery, shall be numbered separately in each arm, by the adjutant-general. A record of such numbering shall be made and kept in the office of the adjutant-general. And where they exist in sufficient numbers, and are conveniently located for the purpose, the cavalry shall

Consolidation.

be organized by the commander-in-chief into squadrons, battalions or regiments, and the infantry into battalions or regiments, and officered as provided by law.

Companies may adopt by-laws.

SEC. 36. Each volunteer company and battery organized under the provisions of this act, may adopt a constitution and by-laws, as a majority of all the company or battery may approve, which, when approved by the officer commanding, shall be binding upon all the members of said company or battery, and when any fines are assessed by reason of infraction of such constitution or by-laws, such company or battalion

Powers under said by-laws.

may have process before any court of competent jurisdiction in the state, for the use of such company or battery, and prosecute to execution all such fines and penalties provided for by such constitution or by-laws: Provided, that such constitution or by-laws shall not be inconsistent with this act, the constitution of the state or of the United States: Provided, also, that in no case shall the state pay any costs of such prosecution, or any prosecution under this act.

Company drills.

SEC. 37. In addition to the parades and musters provided for by this act, every company shall drill at least once in two months at their armories or usual places of assembly, except as the commander-in-chief may otherwise order, at such times as the officer commanding may direct,

Fines for non-attendance.

and for non-attendance at such drills the captain shall assess a fine in each case of a sum not less than fifty cents nor more than three dollars,

Company fund

and see to the collection thereof, and when collected the same shall constitute a company fund, to be used as the company may direct.

Annual report

SEC. 38. Every commandant of every volunteer company, battery, squadron, regiment and battalion, shall make a return of all commissioned and non-commissioned officers, musicians and privates under his command, and all camp and garrison equipage, public arms and accoutrements, and other ordnance stores belonging thereto, through the respec-

tive regimental commanders, on or before the first day of November in every year, and such return shall be preserved by the adjutant-general, in a book of records in his office.

Term of service.

SEC. 39. Every commissioned and non-commissioned officer and soldier of any volunteer company or battery, shall be held to duty therein for five years, unless he shall sooner arrive at the age of forty-five years, or some absolute disability shall occur after forming such company or battery, or he shall be discharged by the proper officer; and every person as aforesaid, after the expiration of said term, shall be entitled to a certificate of such service, and said certificate shall be given to all such persons by the adjutant-general; and the holders of said certificates shall be exempt from military duty in time of peace.

Annual parades by counties.

SEC. 40. The national guard of this state shall parade annually by regiments, battalions, squadrons, battery, or company, as they may be organized in their respective counties, at such time and places, between the first day of May and the first day of July in every year, as the ranking officer of the county may direct, for the purpose of discipline, inspection and review.

Four drills or parades annually.

SEC. 41. In addition to the annual inspection herein specified, there shall be four drills or parades of the national guard before the first day of November in each year, not less than two of which, in the infantry and cavalry, according to the arm, and the strength of the organization, shall be by regiment or battalion, and at such times and places as the commander-in-chief, commandant of regiment, or battalion, shall direct: Provided, that any of said force called into active service, may by the direction of the governor, be at his discretion, credited with such service in lieu of said drills or parades: Provided, that target practice shall form part of the exercise of all infantry companies.

To meet at 10 a. m. on the day appointed

SEC. 42. That at all musters, whether battery, squadron, company, regimental or battalion, the officers and privates shall appear on their respective muster-grounds on the day appointed or fixed by law, at 10 o'clock a. m., fully uniformed, and the rolls of the companies shall be called as soon thereafter as may be, and again immediately before dismissal, and the absence of all persons belonging to each company noted.

Fines for non-attendance.

SEC. 43. Every non-commissioned officer, musician, or private, who shall refuse or neglect to appear uniformed on any day of any battery, or company muster required by this act shall, for every such refusal or neglect, pay the sum of two dollars; and every non-commissioned officer, for neglect of duty, or disorderly or unofficer-like conduct, may be reduced to the ranks by the commandant of the regiment or battalion. Every non-commissioned officer, musician, or private, who shall unlawfully discharge any fire-arms within two miles of any parade on the day thereof, shall be sentenced to pay a fine of one dollar. In addition to the penalties imposed by any of the provisions of this act, every commissioned or non-commissioned officer, musician, or private of a company or troop, or any other person, who shall appear at any parade or encampment wearing any personal disguise or other unusual or ludicrous article of dress, or any arms, weapons, or other implements not required by law, and calculated to excite ridicule or to interrupt the orderly and peaceable discharge of duty by those under arms, shall be liable to a fine of not more than twenty-five nor less than five dollars, to be imposed by the proper court-martial.

Disorderly practices and neglect of duty punished

Fines to be assessed, and list returned to court of inquiry.

SEC. 44. It shall be the duty of the commandant of each battery and company to call a meeting of the commissioned officers thereof within ten days after each day's company-muster required by this act, to

make out a list of delinquents, and assess fines thereon, particularly noting therein the fines assessed, a copy of which list, certified by such commandant, shall be returned to the next court of inquiry of the regiment or battalion, to which said company belongs: Provided, that if said battery or company be unattached, the officers thereof shall be a court of inquiry, having the duties, powers and jurisdiction provided for in section 48.

Fines against commissioned officers prescribed.

SEC. 45. Every commissioned officer who shall refuse to appear fully armed and equipped on any day of muster, drill or encampment required by this act, shall, for every such refusal or neglect, pay the following sums, viz: field officers, ten dollars; captains, seven dollars; lieutenants and staff officers ranking as lieutenants, five dollars; and every non-commissioned officer, musician and private, who shall refuse and neglect to appear uniformed and equipped, as required by this act, at each and every day of regimental or battalion muster or encampment, shall be fined for every such refusal or neglect, the sum of three dollars; and all fines incurred under the provisions of this section shall be by the proper commandant reported to the next regimental court of inquiry for the assessment of fines.

Company fund of $200 annually; how paid.

SEC. 46. Each company of volunteer infantry or cavalry organized and uniformed under the provisions of this act, shall be entitled to receive annually the sum of two hundred dollars as a company fund, and a like allowance of one hundred dollars shall be made for every two guns of a battery, for the care of arms, rent of armories, and other incidental expenses of said company or battery. Said sum of money to be paid out of the military fund of the county in which said company or battery is located, on the certificate of the commanding officer of said company or battery, approved by the commander of the regiment or battalion, which approval shall not be given until the annual company report in proper form shall have been returned: Provided, also, that they may draw in like manner a sufficient sum to purchase camp equipage, to re-uniform themselves, and in every respect to fit them for the field. But if a sufficient sum should not be realized by said fund for said purposes, then and in such case they may draw *pro rata* from said fund for said purposes, in such manner as the adjutant general may direct. Every commissioned officer refusing to pay over moneys in his hands, as is directed in the provisions of this act, shall be liable to be tried and cashiered, or otherwise punished therefor by a court martial.

No parade on election days, except in certain cases.

SEC. 47. No muster or parade of the militia of this state shall be held on any day during which a general or special election shall be held, nor within five days previous to such elections, except in cases of riot, invasion, or insurrection, or imminent danger thereof, or funerals; and if any officer shall order any such muster or parade, he shall forfeit and pay the sum of one hundred dollars, except when called into active service by the governor.

Regimental court of inquiry.

SEC. 48. That the commandants of companies in each regiment, squadron, or battalion, shall constitute a regimental court of inquiry, over which the major or the commandant present ranking as senior, shall preside, who shall meet at such times and places as the commanding officer of the regiment may direct; notice of which meeting shall be given at least two weeks previous to the convening of the court. At the court, when organized, all members of companies absent from any company or battalion drill, muster or encampment prescribed by this act, occurring since the last meeting of the court, shall appear and present their excuses for such absences, and the court shall determine the validity of

such excuses, and shall have jurisdiction to assess all fines under this act, except as otherwise hereinafter provided for, and every person who shall fail to appear as aforesaid, and demand a trial by jury, as hereinafter provided for, shall be deemed to have waived any other or further trial of his delinquencies. At said regimental, squadron, or battalion court of inquiry, the adjutant shall attend and keep a record of the proceedings of said court, and shall make out a list of the members fined at said court in each company, with the amount of the fine assessed on each annexed to their names, which list shall be signed by the officer presiding at said court, and attested by the adjutant, and by him preserved: Provided, that if at said court of inquiry, any person shall appear, and before said court shall have acted upon his case, shall file a request in writing for a trial by jury, the case shall be certified to a justice of the peace for the proper county, who shall thereupon call a jury and proceed to trial, judgment and execution as in other cases at law. Any person feeling aggrieved by the decision of said regimental court of inquiry, may have a new trial by order of the commandant of the proper regiment or battalion; which commander shall thereupon convene a court of appeals, to be composed of the field officers, adjutant and senior captain of the regiment or battalion, a majority of whom shall be a quorum, before which such new trial shall be had. The court of appeals shall meet at such time and at such place within the regimental bounds as the commandant shall order.

Jurisdiction and powers of said court.

Adjutant to keep record.

Court of Appeals; how constituted.

SEC. 49. That the officers constituting said regimental, squadron or battalion court of inquiry and appeals, shall each be entitled to receive the sum of two dollars for each day they may be in attendance on said court, not exceeding three days in each of the courts of inquiry and appeals in one year, to be paid out of the military fund of the county.

Per diem of members of courts of inquiry.

SEC. 50. In all cases where fines or penalties are incurred or assessed in accordance with the provisions of this act, by a court of inquiry or a court martial, it shall be the duty of the president of said court of inquiry or court martial, forthwith to notify in writing the parties against whom any fines may be assessed, of the amount and nature of said fine, and to require him immediately to pay the same to the said president; and if any such delinquent shall neglect or refuse to pay the same within ten days after receiving such notice, then a list of fines so delinquent, certified by the president of said court, and attested by the adjutant, shall be placed in the hands of a justice of the peace of the township within which the delinquent resides, who shall thereupon issue execution without stay, directed to any constable of said township, for the collection of the same as upon judgments at law. The constable upon receiving said writ shall promptly proceed to collect said fines with the costs of execution, and pay over the amount to the justice, who shall, after deducting the costs, pay the residue to the commandant of the regiment, battalion or company, on whose behalf said fines were assessed, who shall pay the money thus paid him, into the county treasury, taking duplicate receipts therefor, one of which he shall file with the county auditor.

Parties to be notified of fines against.

On refusal to pay, justice of peace to issue execution.

How paid into treasury.

SEC. 51. That the following fines shall be assessed for delinquency under this act, to wit: On any colonel of a regiment or commandant thereof, and on the commandants of squadrons or battalions, for neglect of any order of a superior officer, or of any of the duties enjoined by law, not less than ten, nor more than seventy-five dollars; on a lieutenant-colonel, or major, who is not commandant of a regiment, squadron, or battalion, and any staff officer ranking as such, for neglect of any order of his superior officer, or any of the duties enjoined upon

Amount of fines for delinquency prescribed, except for non-attendance at musters

him by law, not less than eight, nor more than fifty dollars; on the captain of a company, and on any staff officer ranking as such, for any neglect of any order of his superior officer, or any of the duties enjoined on him by law, not less than six, nor more than forty dollars; on a lieutenant, or staff officer ranking as lieutenant, for any neglect of any order of his superior officer, or of any of the duties enjoined on him by law, not less than five, nor more than thirty dollars; on a y non-commissioned officer, musician and private, for neglect of any order of a superior officer, or any duty enjoined on him by law, not less than two, nor more than three dollars: Provided, that all fines incurred for non-attendance at any muster provided for in this act, are not intended to be included in the foregoing.

Officers to be tried by courts martial.

SEC. 52. That on charges and specifications, made in writing, against an officer to a superior officer, such superior officer shall, if he thinks the complaint sufficient, cause the officer against whom the complaint is made, to be arrested; and when an officer is arrested, the officer whose duty it is to arrest, shall notify the officer arrested in writing, that he is suspended from command until acquitted from such complaint, stating the ground of arrest, the complaint may be dismissed by the governor, or he may order a court martial at his discretion; the proceedings in the trial shall be had, as near as may be, as provided in the rules, regulations, articles of war, and practice for the government of the armies of the United States.

U. S. army regulations to be observed.

The Governor to detail judge advocate, &c.

SEC. 53. The governor, on ordering a court martial, shall detail a judge-advocate and provost marshal for the trial of said cause; and the members of said court and judge-advocate shall be entitled to receive two dollars each for each day's attendance at said trial, and in traveling to and from court; and the provost marshal shall receive the same compensation as is allowed to sheriffs for similar service; and witnesses shall receive fifty cents for each day's attendance, and five cents a mile for traveling to and from court; the same to be paid out of the county military fund, on the order of the president of the court; the president of the court may issue subpœnas to compel the attendance of witnesses, and enforce their attendance, if necessary, by attachment.

Compensation of members of courts martial.

The president may issue subpœnas, and enforce attendance of witnesses.

Powers of commanding officers at parades.

SEC. 54. The commanding officer at any parade may cause those under his command to perform any field or camp duty he shall require; and he may also put under guard for the day or time of continuing such parade, any officer, musician, or private, who shall disobey the orders of his superior officer, or in any way interrupt the exercises of the day; also all other persons who shall, in any way or manner, trespass on the parade ground, or interrupt or molest the orderly discharge of duty of those under arms; and also, he may prevent and prohibit the sale of all spirituous and intoxicating liquors, on or about the ground of such parade or encampment; and, on his discretion, all hucksters, auction sales or gambling, may be abated as nuisances.

May prohibit the sale of intoxicating liquors.

Fines against minors, who liable for.

SEC. 55. That for the fines assessed against minors, fathers shall be liable jointly and severally with their sons, and guardians with their wards, to the amount of funds of the wards in their hands, masters for their apprentices, and all property held in common by any society or association whose tenets or rules require a community of property, shall be liable and bound for any and all fines assessed by the provisions of this act against a member or members of such society or association.

Compensation

SEC. 56. All commissioned and non-commissioned officers, and each and every member of any company, shall receive one dollar per day, or one dollar per night, or two dollars for each day and night together,

when serving under the order of the governor, sheriff of their county, or the order of the mayor of their city, or village, or other municipal officer, judge, or justice of the peace, to suppress riots, or to enforce civil law, to be paid out of the county treasury on the order of the said governor, sheriff, or mayor aforesaid.

for services in suppressing riots, &c,

SEC. 57. That for all commutation money, fines, and costs assessed against any person under the provisions of this act, or under the by-laws of any company or battery organized under this act, the real estate and personal property of such person, of every kind without exception, shall be liable for the payment thereof, and all such moneys, fines, and costs, shall be a lien upon such real estate until paid.

No property exempt from execution, for fines, and fines a lien on real estate.

SEC. 58. That the enrolled militia of this state, or any portion of them, shall be liable to be called into active service by order of the governor, in case of invasion, or the danger thereof, or to prevent invasion, riot, or insurrection; and any person liable to perform military duty, neglecting or refusing to march as ordered by the proper commanding officer, shall be deemed and treated as a deserter. The militia, while in active service, shall be governed by the military laws of the state, and the rules and regulations of war of the United States: Provided, that the volunteer militia shall in all cases of actual or threatened invasion, riot, or insurrection, be the first military force called for duty or ordered into the field.

The enrolled militia may be called into service in certain cases.

SEC. 59. Whenever the militia, other than the national guard, are called into active service, they shall be divided into companies and regiments, and shall proceed to elect their officers, under such rules and regulations as the commander-in-chief may prescribe, and when two or more regiments of the militia or national guard are called into active service, said regiments shall be organized by the commander-in-chief into brigades and divisions. All such commissions shall terminate with the cause that called said militia into active service.

When the militia is called into service the governor to prescribe rules to govern them.

SEC. 60. When any of the militia of this state shall be called into active service by the governor, in case of invasion, or to prevent invasion, riot, or insurrection, they shall receive the same compensation as volunteers in the United States service are allowed, to be paid on the certificate of the governor.

Compensation same as in U. S., service.

SEC. 61. The commander-in-chief, whenever in his opinion it becomes necessary, may organize a subsistence or commissary department, and for that purpose shall order the quartermaster-general to perform the duties of commissary-general, and may appoint such other assistant commissaries as he may think necessary, or the good of the service may require, with such rank as is conferred on officers of the same station in the army of the United States, and he may also appoint such number of storekeepers and other officers as the good of the service may require, and may order any or all such officers into actual service when their services become necessary; and such other assistant commissaries as may be appointed shall for their services receive a salary not exceeding sixty dollars per month for the time in actual service.

Subsistence department may be organized.

Rank of officers therein.

Storekeepers.

Compensation for assistant commissaries.

SEC. 62. The commander-in-chief, when in his opinion it becomes necessary, may complete the organization of the medical department by appointing a surgeon-general, with the rank of colonel, who shall for his services receive an annual salary at the rate of twelve hundred and fifty dollars per annum for the actual time employed: Provided, that any pay or emoluments received by said surgeon-general from the United States government, during the time actually employed in the service of the state, shall be deducted from the salary aforesaid.

Medical department.

Surgeon-general.

Salary.

Salary of governor's staff, how paid.

SEC. 63. The salaries and accounts of the commander-in-chief and his staff, shall be countersigned by the governor, and paid on his certificate.

Uniform must correspond to U. S. army regulations.

Officers and members must uniform within four months.

SEC. 64. That the uniform of all volunteer companies and batteries now organized or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed for the United States army for the time being, except the coat of arms, which shall be that of the state of Ohio: Provided, that every commissioned and staff officer shall uniform himself within four months from the date of his commission, and every non-commissioned staff officer shall uniform himself within four months from the date of his appointment, and every member of any volunteer company shall uniform himself within four months from the date of the organization of such company, or from the date when he attached himself to such company: Provided, that any member of any volunteer company who has heretofore uniformed or shall hereafter uniform himself, as provided in this act, may, upon presenting to the county auditor a certificate from the commanding officer of his company to that fact, approved by the regimental or battalion commander, draw from the county treasury, upon the warrant of the auditor, out of the military fund of the county, the sum of five dollars; Provided, the said fund shall be sufficient for that purpose after paying to companies the company fund and the cost of subsistence at the annual encampments in said county, as provided in this act; no money shall be paid to any one who has heretofore uniformed himself on account thereof, under this section, unless the commandant of the company shall certify that said uniform is in good condition.

Members heretofore uniformed to be re-imbursed.

Arms, &c., to be under control of quartermaster-general.

SEC. 65. All public arms, ammunition, accoutrements, camp and garrison equipage, and military stores belonging to the state, shall be subject to the control of the quartermaster-general, in accordance with the orders of the governor; and it shall be the duty of the quartermaster-general to see that all arms and munitions of war now belonging to the state, or which may hereafter in any manner be acquired, are properly cared for and kept in good order for use. All accounts accruing against the state under the provisions of this section, shall be paid on the certificate of the quartermaster-general, countersigned by the governor.

Companies to be armed and equipped.

SEC. 66. Each company of the volunteer militia organized under the laws of this state shall be furnished with such arms and equipments as shall be determined by the governor, under such rules and orders as he may prescribe.

Penalty for misuse of public property.

SEC. 67. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, ordnance stores, camp or garrison equipage or munitions of war belonging to the state of Ohio, or who shall in any way willfully injure any of the same, or any arsenal or armory now belonging to or rented by the state, or owned or rented by any company, battalion, or regiment organized under the laws of this state, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or shall be imprisoned in the county jail for the term of not more than three months, or both, at the discretion of the court.

Camp and garrison equipage to be provided by governor.

SEC. 68. It is hereby made the duty of the governor to provide the proper camp and garrison equipage whenever any portion of the militia is called into active service; but in all cases whereby the use of fair grounds or suitable structures already erected, proper accommodations can be had, the same shall be procured by contract, if the expense shall be less than to provide and transport full camp and garrison equip-

age; for which the sum of fifteen thousand dollars is hereby appropriated. Appropriation therefor.

Camps of instruction, how held.

Confined to counties, except.

Expenses for, how paid.

Subsistence contracts, how made.

SEC. 69. Upon the application of the senior military officer of any county, the commander-in-chief, in his discretion, may order a camp of instruction to be held in such county, at such time and place as may be by him appointed, to continue not more than six days, and to be governed by the regulations of the United States army, which camp of instruction shall be attended by all regiments, battalions, squadrons, companies, and batteries in said county: Provided, that in counties where there shall be less than six companies organized and equipped, the commander-in-chief may order such companies to attend the camp of instruction ordered nearest and easiest of access to them, outside of their county, upon the application of the senior officers thereof: Provided, further, that all expenses for subsistence and supplies, other than for quarters or camp equipage, for any such camp of instruction, shall be paid out of the military fund of the county wherein said camps shall be ordered. But where companies shall be ordered from different counties into one camp, said expenses shall be paid out of said fund in each of said counties *pro rata* to the number of volunteers attending from each county. All contracts for subsistence and other expenses of said camps shall be made by the senior military officer of the county, under such regulations as the commander-in-chief may prescribe; and be subject to the approval of the quartermaster-general, upon whose certificate the county auditor shall draw his warrant against said military fund for payment of same; and before the commander-in-chief shall order any of said encampments, he shall require from the officer applying for the same, an estimate of the cost of subsistence, and other expenses for said camp, and a certificate of the county auditor of the balance in the treasury to credit of the military fund of the county.

Rations for encampment, how furnished, and how paid.

SEC. 70. The time and place for each encampment shall be announced in a general order to be published at least four weeks before any such muster is to be held, and thereupon the quartermaster-general shall immediately advertise, for a period of ten days, in one or more papers in each congressional district designated by the order, inviting sealed proposals separately for each encampment, to provide rations during the continuance of said encampment, for all who are required to attend the same; said rations to be the same in every particular as are prescribed for the armies of the United States; and upon the opening of such proposals, the quartermaster-general shall proceed to make written contracts, in duplicate, separately as to each encampment, with the lowest responsible bidder, or bidders, for all the rations so required, and such rations shall be issued in the usual mode, upon requisitions, to be approved by the commandant of the encampment, and the amount thus issued shall be apportioned by the quartermaster-general and commandant of the encampment, rateably among the several counties, in proportion to the number from each county so subsisted, and the amount so found to be due from each county to the contractor, or contractors, shall be certified by the quartermaster-general and such commandant, and on the production of such certificate to, and filing the same with the county auditor of the proper county, he shall give the holder of such certificate an order for the proper amount on the treasurer of his county: Provided, that the quartermaster-general may, if practicable and more economical, purchase for any and all encampments, requisite subsistence supplies in open market, or from the commissary department of the United States.

May be purchased in open market, if more economical.

Fines for non-attendance at encampment.

SEC. 71. Every commissioned or non-commissioned officer or member of any volunteer battery or company neglecting or refusing to attend such encampment and muster, shall be fined as provided in section forty-five, and all fines assessed under the provisions of this section shall be reported to the annual court of inquiry provided for in this act, by the commandant of any such encampment and muster.

Adjutants to keep record of reports, &c.

SEC. 72. The adjutants of regiments, squadrons and battalions shall attend to and record all returns from the commandants of regiments, squadrons and battalions, and record the same in a book to be provided for that purpose, and shall perform such other duties as may, from time to time, be required of them by the commandants of their regiments, squadrons, and battalions: Provided, that when any adjutant shall be absent in command, the commanding officer shall appoint a suitable person to perform the duties of adjutant. The adjutant shall receive for said duties the sum of twenty-five dollars per annum.

Compensation $25 per annum.

Adjutant-General to furnish blank forms, instructions, and general regulations.

SEC. 73. That the adjutant-general of the state shall furnish to the commandants of regiments and volunteer companies, blank forms of rolls, bonds, and of the different returns that may be required, and from time to time explain the principles on which they should be made, together with such general regulations, concerning the organization and government of the militia, as will better promote the discipline and order thereof, and supply such practical details as are needed to make that organization systematic and complete. He shall also keep the records, volumes and papers of the department in an office at the state house, and make annual report of all matters coming within his department, which report shall be submitted to the governor before each meeting of the general assembly.

Shall keep records, &c. and make annual report.

Law and forms to be printed and distributed.

SEC. 74. The commander-in-chief shall cause two thousand copies of this act to be printed in book form, which book shall have attached to them all the necessary forms by which all returns shall be made of companies, regiments, squadrons, or battalions; also, brigades and divisions; which pamphlets shall be distributed and forwarded to the county seats of the several regiments and volunteer companies, as other laws are.

Unlawfully entering an arsenal, &c., declared burglary.

SEC. 75. Any person unlawfully breaking and entering, in the day or night season, any arsenal, store-house, or other building where military property of this state, or United States, is kept, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished as for burglary.

Collections in the name of the State.

SEC. 76. All assessments, fines and commutations authorized by this act to be made, shall be assessed and collected in the name of the state of Ohio, for the use of the military fund.

Draft, how made.

SEC. 77. Whenever the commander-in-chief shall order a draft from the reserved militia, as authorized by section twelve of this act, or whenever a general draft of the militia shall be made by the commander-in-chief, such draft shall be determined by lot, to be drawn by the auditor of the county, in the presence of the probate judge, commissioner, clerk, sheriff or trustees of any ward, city, or township, or any two of the same, upon the requisition of the commanding officer of the regiment within whose bounds such persons may reside.

Claims for exemption made to county auditor.

SEC. 78. Any person so drafted may, within five days after receiving notice of the same, present to the county auditor of such county his certificate of exemption, or other proof of his non-liability to military duty, which shall be duly verified, and if such county auditor shall decide that

such person is exempt, or not liable, he shall be discharged, and another person shall be drafted in his stead, in accordance with the provisions of this act.

Drafted person may furnish substitute.

SEC. 79. Any person so drafted in accordance with the above provisions, may offer a substitute at the time of the rendezvous of the drafted military force and militia, and such substitute, if he be an able bodied man, of the age of twenty-one years and upwards, and shall consent voluntarily to subject himself to all the duties, fines, forfeitures and punishments to which his principal would have been subject, had he personally served, shall be accepted by the commandant of the company to which his principal may belong.

Draft rules to govern when made.

SEC. 80 Whenever the commander-in-chief shall order a draft from the militia for public service, the draft shall be made in the following manner:

1. When the draft required to be made shall be a number equal to one or more companies to each county, such draft shall be made by company, to be determined by lot, to be drawn by the senior commandant of the county, in the presence of the commanding officers of the regiments of said county, from the military forces of the state in said county, organized, uniformed, armed and equipped, according to the provisions of this act.

2. In case such draft shall require a number equal to one regiment, such shall be determined by lot, in the manner above described.

3. In case such draft shall require a larger number than the whole number of men comprising the said organized military force of said county, such additional draft may be made of the requisite number to supply such deficiency, from the military roll of the reserve militia of each ward, city, township, filed as hereinbefore provided.

Rules for distribution of arms to be prescribed.

SEC. 81. The commander-in-chief shall prescribe such rules, orders and regulations relative to the distribution of arms, ammunition and military stores to the militia, when called into actual service, as he may deem proper.

Senior officer to take command, unless.

SEC. 82. The command of any military force called into service under the provisions of this act, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the commander-in-chief.

Governor's staff; their duties.

SEC. 83. The staff officers of the commander-in-chief shall be: one adjutant-general, who shall rank as brigadier general; one assistant adjutant-general, who shall rank as lieutenant-colonel; one quartermaster-general, who shall rank as brigadier-general, and perform the duties of commissary-general; and one aid-de camp, with the rank of colonel. The adjutant-general shall perform the duties of inspector-general, and the aid-de-camp shall perform the duties of judge-advocate-general and engineer-in-chief

Board of medical examiners authorized.

SEC. 84. The governor shall appoint a medical board, to consist of not less than three skillful surgeons, and no person shall receive the appointment of surgeon, or assistant surgeon, unless he shall have been examined and recommended by said board: Provided, that all examinations and recommendations heretofore made under any law of this state, shall be held to be sufficient under this act, and all appointments heretofore made to said board, under the former laws of this state, shall continue in force. Said board of examiners shall, for their services, each receive at the rate of four dollars per day for the time employed, and five cents a mile for the distance necessarily traveled by them in the performance of their duty.

Compensation of members thereof.

Repealing clause.

Officers of militia mustered out.

The existing enrollment to remain in force.

All fines, penalties, &c., due under former act, shall be collected.

SEC. 85 The act entitled "an act to organize and discipline the militia of Ohio," passed April 14, 1863, is hereby repealed, and all officers elected, appointed, or commissioned under it, except officers of the volunteer militia force, are hereby mustered out of the service of the state; Provided, that until the enrollment provided for in this act shall have been completed, the existing enrollment of militia shall remain in force; and all organizations of volunteer militia under said act shall continue and be governed by the provisions of this act, and all commutations, fines and penalties, due and assessed, or for which any person may be liable under said act, shall be collected thereunder, or by the provisions of this act, and no suit, process, or proceeding pending to enforce and collect the same shall abate, but proceed to final determination, the same as if said act continued in force.

SEC. 86. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend an act for the establishment of a commission in the city of Cincinnati to encourage immigration, and to prevent fraudulent practices against emigrants to the State of Ohio, passed April 14, 1363.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above recited act be so amended as to read as follows:

Appropriation, how expended.

Governor to employ agents

Description of state.

Maps and books, office rents, seals.

Section 7. The following sum of money is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the objects of this act: the sum of five thousand dollars, to be expended under the direction of the governor, in the employment of an agent or agents, to visit the city of New York or foreign countries, for the purpose of aiding and encouraging immigration to this state, which agent or agents shall be commissioned and empowered the same as the commissioner of emigration, in the act to which this act is amendatory, and whose term of office shall be subject to the discretion of the governor, and who shall be paid such compensation as the governor may determine, and also in the publication of a description of the state in English, German, and such other languages as the governor may deem advisable, in the purchase of maps, pamphlets, and books, to be used by such commissioner and agent or agents, to pay the rent of an office or offices, and purchase of a seal or seals to be used by said commissioner and said agent or agents.

SEC. 2. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend an act passed March 1st, 1858, entitled "an act to amend section thirty-six of 'an act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1st, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-six of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, and an act to amend said section thirty-six, passed March 1, 1858, be so amended as to read as follows:

Section 36. Every turnpike or plank-road company, entitled to charge tolls as aforesaid, shall be authorized to receive from persons traveling on or using said road, the following toll for every ten miles travel on such road, and in the same proportion for any less distance, to-wit: Turnpikes and plank-roads.

For every four-wheeled carriage drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; Rates of toll.

For every sled or sleigh drawn by one horse or other animal, five cents, and for each additional [animal,] five cents;

For every horse, or mule, and rider, five cents;

For every horse, mule, or ass, six months old or upwards, three cents;

For every head of neat cattle six months old or upwards, one cent;

For every head of sheep or hogs, one-half cent;

For every stage coach or omnibus drawn by four horses or other animals, fifty cents;

For every two-wheeled carriage drawn by one horse or other animal, ten cents;

Provided, that any person or persons going to and from public worship on the Sabbath, funerals, militia musters, elections, jurymen going to and returning from court, the troops and armies of the United States and of this state, may pass on any such turnpike or plank-road free of toll: Provided, further, that all turnpike companies organized under this act, whose roads lead from cities of the first class, and whose capital stock shall be made up entirely by private subscription, shall be authorized to collect toll from all persons driving funeral carriages or other vehicles attending such funeral over their road, at the same rate as they are now authorized by law to charge on similar carriages and vehicles passing through a toll gate, located within five miles of any such city of the first class, except from the person or persons driving the hearse, and the first four accompanying carriages. Proviso. Funerals.

SEC. 2. Section thirty-six of an act entitled "an act for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, and also an act entitled "an act to amend section thirty-six of an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed March 1, 1858, are hereby repealed. Repeal.

SEC. 3. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To regulate in cities of the first and second class, stores or shops for the purchase, sale, or exchange, of old metals, or second hand furniture.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first and second class, every keeper of a shop or store for the purchase, sale, or barter of old metals, second hand furniture, or second hand articles of any kind, shall put up in some suitable and conspicuous place in his shop or store, a sign having his name and occupation legibly inscribed thereon, and shall keep a book in which shall be written at the time of every purchase of any such old metals or second hand articles, a description of the article or articles purchased, the name, age, and residence of the person from whom, and the day and hour when such purchase was made.

Signs and books.

Prohibition as to minors and apprentices.

SEC. 2. That no keeper of any such shop or store shall directly or indirectly purchase or receive by way of barter or exchange, any old metals, second hand furniture, or other second hand articles. of any minor or apprentice, knowing or having reason to believe him to be such.

Prohibition as to time.

SEC. 3. No keeper of any such shop or store shall purchase or receive by way of barter or exchange, any of the articles aforesaid from any person whatever, after the hours of 9 o'clock at night, or before the hour of 7 o'clock in the morning.

Penalty.

SEC. 4. That any person violating the provisions of this act, shall be deemed guilty of a disdemeanor, and upon conviction thereof, shall be fined in any sum not more than five hundred dollars, at the discretion of any court of competent jurisdiction,

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section 313 of "an act to establish a code of civil procedure."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the act entitled "an act to establish a code of civil procedure," as amended by an act entitled "an act to amend sections 313 and 344 of the code of civil procedure," passed April 3, 1861, be so amended as to read as follows:

Testimony not allowed in specified cases.

SEC. 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases, namely:

Exceptions.

1st. In actions with the executor, administrator, guardian, or trustee of infants, heir, or devisee, as above specified, a party may testify to facts which occurred after the death of the decedant or parent.

2d. In actions upon contracts made by deceased persons through

agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent. In actions upon contracts made by agents of persons deceased.

3d. In actions of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations. Testimony permitted.

4th. In actions of either of the classes above specified, in which one party calls a witness (other than an agent, or one interested,) to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, but in his absence, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defence is founded on book account, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case. Book accounts

6th. If the deposition of a party who has died during the pendency of the suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor. Deposition of party deceased.

SEC. 2. That said section three hundred and thirteen, as amended April 3, 1861, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and shall apply to all actions now pending, as well as actions hereafter commenced. Repeal. Suits pending.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To create a permanent fund for the Ohio state board of agriculture.

WHEREAS, On the 8th day of February, A. D. 1847, a bill was passed by the Ohio legislature, entitled "an act to create a permanent agricultural fund in the state of Ohio, and for other purposes;" which bill provides that the minimum of show licenses shall be twenty dollars, and that one-half of the fund arising from show licenses throughout the state shall be set apart for the state agricultural fund, and said bill furthermore provides, that the fund arising from the sale of escheated lands shall also be set apart for the state agricultural fund; and,

WHEREAS, The aforesaid bill exonerates Hamilton county from the payment into the state treasury for the agricultural fund, of any portion of

the show licenses or escheats acquired within said county of Hamilton; and,

WHEREAS, On the 29th of March, 1856, a bill was passed by the legislature of Ohio, authorizing the sum of six hundred dollars to be retained in the county in which an escheat might transpire; and

WHEREAS, On the 16th day of April, 1862, the legislature of Ohio passed a bill which in effect virtually deprives the fund arising from escheat, from passing into the state treasury for the benefit of said agricultural fund; and,

WHEREAS, The Ohio state board of agriculture has derived an annual average sum of two thousand seven hundred and sixty dollars, from the two sources of revenue indicated or authorized by the act of February 8, 1847; therefore

Appropriation

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That there is hereby appropriated from the general revenue not otherwise appropriated, for each of the years 1864 and 1865, the sum of three thousand three hundred dollars, for the encouragement and improvement of the agricultural interests of the state, in such manner as the state board of agriculture may deem most conducive to that object: Provided, that said state board of agriculture shall pay the sum of three hundred dollars annually to the Ohio pomological society; and the treasurer of state is hereby directed to pay said sum to the president of Ohio state board of agriculture, on the warrant of the Auditor of state.

Proviso.

SEC. 2. That portion of the show license fund heretofore set apart for the state agricultural fund, and the funds arising from the sale of escheated lands set apart for the state agricultural fund, shall be collected as heretofore and paid into the state treasury, and be regarded in every sense as forming a part of the general revenue.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

Supplementary to an act passed May 3d, 1852, to provide for the organization of cities and incorporated villages.

Council of incorporated village may erect prison and council hall.

Tax levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village shall have power to purchase a site and to erect thereon suitable buildings for a village prison and council hall; and they may, for not more than five years, levy a tax on all the taxable property of said village, not to exceed one fifth part of the whole amount necessary for the purchase of such site and construction of said prison and council hall, and interest due thereon (provided the council borrow the money) in any one year The prison to be in keeping and control of the village marshal, under such rules and regulations as the council shall prescribe. It shall be his duty to provide all persons confined therein with necessary food during their confinement, and the costs therefor shall not exceed thirty cents per day for each person, to be paid out of the village treasury, and taxed in

Village marshal;

—his duties.

Sustenance and costs.

the bill of costs. The council may, by ordinance, provide for the keeping of persons convicted and sentenced to hard labor during the term of their imprisonment, at such place or places within the corporation as said council may determine. Hard labor, prisoners.

SEC. 2. The council of every such incorporated village shall have power to provide, by ordinance, for the summoning and impanneling of juries by the mayor of the village; such jurors shall have the qualifications of jurors in the court of common pleas. Jurors and witnesses, in all prosecutions before the mayor, for violations of the village ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance; all of which fees, in case of conviction, shall be taxed against the parties convicted. The mayor shall have exclusive jurisdiction in all prosecutions for violations of the village ordinances; with full power to hear and determine, when a jury is not demanded in cases where it may be properly claimed; he may award and issue any process that may be necessary to enforce the administration of justice throughout the village, and for the lawful exercise of his jurisdiction according to the usages of law; he may also (or in his absence the recorder) grant to magistrates of adjoining or contiguous townships the temporary use of said village prison to confine criminals or other persons dangerous to the peace of the community, until they can be safely removed therefrom to the county jail or place of security. Juries and jurors. Fees. Powers of mayor.

SEC. 3. That the council of any incorporated village shall have power to provide by ordinance for the punishment of persons disturbing the good order and quiet of the village by clamor and noise in the night season, by intoxication, drunkenness, fighting, using obscene and profane language in the streets, or other public places, to the annoyance of its citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior; and they shall have power in like manner to provide for the punishment of disturbers of the peace, common prostitutes, pickpockets, burglars, and thieves, watch-stuffers, and persons practicing any trick, or game, with intent to swindle, and persons who abuse their families, and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: Provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor for the first offense shall not exceed thirty days, and for the second or any further repetition of the same offense, not exceeding sixty days. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the cost of prosecution, shall be imprisoned and kept at hard labor, until, at the rate of one dollar for each day's labor, exclusive of Sundays, they shall have earned an amount equal to such fines and costs, but not to exceed the time above named. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the proprieties due to age and sex, and a just regard to the health of the prisoners. Council may pass ordinances to preserve public peace and punish offenders. Quality of punishment. Limitations. Unpaid fines. Penalty.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section eleven of the act for the relief of the families of soldiers and marines in the state and United States service, passed February 25, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the said act be so amended as to read as follows:

Commissioners required to borrow money; limitation.

Transfer of funds; school funds excepted.

How money repaid.

Definition of "family."

Proviso.

Section 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate four-fifths of their proportion of the tax levied by this act, and may to that extent, temporarily transfer money from any other fund, except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters: Provided, however, that such reasonable proportion of said fund shall be appropriated and applied, under the restrictions and limitations aforesaid, to the relief of indigent and dependent soldiers and marines within the several counties, who, by reason of disease contracted, or wounds received in said service, are unable to support themselves.

Repeal.

SEC. 2. This act to take effect from its passage; and said original section of said act is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 31, 1864.

AN ACT

Amendatory and supplementary to an act passed April 5th, 1856, entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852," and the several acts amendatory thereof, and supplementary to said acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities referred to in the first section of the act to which this is amendatory and supplementary, and cities of the second class having a population of over thirteen thousand inhabitants at the last federal census, shall, for the purpose of paying the value of any land or lands, lot or lots, which may be taken or appropriated for the purpose of laying off, opening, extending or widening any street, alley, public highway, public grounds, wharf, landing place, or market space, in addition to the power already conferred on them for that purpose, have power to assess and collect a charge on the owner or owners of any lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place, or market space shall pass, accord-

Powers in relation to lands or lots taken.

ing to benefits. In all cases where said city council shall determine to pay said value by an assessment according to benefits, the board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such value on such lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, as will be benefitted thereby, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in the official newspaper of the city that such assessment has been made, and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment, shall file their objections, in writing, with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested freeholders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same, as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same, or set the same aside and cause a new assessment, and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such assessment is confirmed by the city council the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed, and such proceedings shall be had for the collection and enforcement of said assessment as in other cases of street improvement by special assessment.

Assessment.

Proceedings.

Equalizing board.

A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, and confirming such assessment.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem. of the Senate.

March 31, 1864.

AN ACT

For the relief of debtors in the military and naval service of this state or o the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a party against whom a judgment or order has been or shall be entered without defense made, whilst such party was, or may be, in the actual military or naval service of the United States, or of this

Party may open up judgment or order

within one year after discharge. Proceedings.

state, may, at any time within one year after his final discharge from said service, have the same opened up and be let in to defend. Before the judgment or order shall be opened, the applicant shall give notice to the adverse party of his intention to make such application, shall file a full answer to the petition, pay all costs, if the court require them to be paid, and make it appear to the satisfaction of the court, by affidavit, that during the pending of the action, he was actually in the military or naval service of the state or of the United States. The adverse party on the hearing of an application to open judgment or order, as provided by this section, shall be allowed to present counter affidavits to show that during the pendency of this action the applicant was not actually in the military or naval service of the United States or of this state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

[March 31, 1864.

AN ACT

To provide for the payment of certain claims, and incidental expenses.

Appropriation

Gen. assembly

Brownell.

Patterson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and is hereby appropriated out of any money in the state treasury for general revenue purposes, in the year 1864, for the payment of expenses incidental to this session of the general assembly to be paid on the certificate of the sergeant-at arms of the respective houses, one hundred dollars; for the payment of balance due L. R. Brownell, allotment agent, two hundred and thirty-six dollars and seventy-five cents; for the payment of the mileage of Jefferson Patterson, a member of the house of representatives, of Montgomery county, at the adjourned session of the general assembly of this state, of 1863, twenty-two dollars and forty cents, to be paid to his administratrix.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize cities of the first class having a population of less than one hundred thousand, to fund their floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population less than one hundred thousand, at the last federal census, for the purpose of paying any floating indebtedness of such city here-

tofore incurred, shall have the power to issue the bonds of such city, payable at such time as the city council may determine, not exceeding twelve years, and redeemable at any time after six years, at the pleasure of the council, bearing interest not exceeding six per cent. per annum, payable semi-annually, and when such bonds shall have been issued, a tax shall be levied and collected, sufficient in amount to provide a sinking fund for their redemption as they come due, and the interest thereon, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May, 1852, which shall be appropriated to the payment of such bonds and interest, and to no other purpose: Provided, that the whole amount of bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars: Provided, also, that the bonds hereby authorized to be issued shall not be sold at less than the par value thereof.

Power to issue bonds.

Tax for redemption.

Proviso.

SEC. 2. That if the city council of any such city, or any officer or officers thereof, shall knowingly divert or appropriate either such bonds or the proceeds thereof, or the tax or sinking fund raised under this act, to any other purpose than that to which they are by this act appropriated, every such person, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than twenty days nor more than six months, or both, at the discretion of the court.

Penalty

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize the appraisal and sale of lands belonging to the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works cause to be appraised by some suitable person in each county where the land is located, all lands at or adjacent to the public works of the state, not including the lands covered by the Mercer county and Lewistown reservoirs, and the lands necessary to carry out the contract leasing the public works, excepting such lands as have been heretofore appraised, and report the same to the auditor of state on or before the first day of September next, together with a proper description of said lands, and for this purpose the board of public works are authorized to employ a competent surveyor.

Appraisement Board public works.

SEC. 2. That the auditor of state be required to appoint a suitable person or persons in each county where the land is located, to appraise all the lands belonging to the state, not including the lands specified in section one of this act, but including the lands described in the report of the auditor of state for the year 1863, as being in the counties of Defiance, Paulding and Franklin, and all other lands which the said auditor of state may ascertain as belonging to the state.

Appraisement auditor of state.

SEC. 3. That as soon as the appraisal of the lands described in

Auditor state may sell lands

sections one and two of this act shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same for cash, at a sum not less than the appraised value, and all sums arising from the sale of said lands, shall be paid into the treasury of the state to the credit of the sinking fund: Provided, that the lot of land described as the stone quarry in survey number 2668, shall not be sold until directed by the general assembly. And, provided further, that the auditor of state cause said lands to be offered at public sale at the door of the court house in each of said counties wherein the lands lie, and shall cause public notice of said sale to be published in a newspaper printed in each of said counties or of general circulation therein, for five consecutive weeks immediately preceding said sale, and if said lands shall not sell at public sale, then the auditor of state may sell at private sale, and in no case shall the lands be sold for less than the appraised value thereof.

Proviso.

Appropriation

SEC. 4. That for the purpose of defraying the expenses of the appraisal of said lands, the sum of five hundred dollars be and is hereby appropriated to be paid out of any money in the treasury belonging to the general revenue not otherwise appropriated, to be paid on the certificate of the auditor of state, and the president of the board of public works respectively.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section fourteen of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858.

S. & C. 670.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858, be amended so as to read as follows:

SEC. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit:

Duties of guardians of minors.

1. To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him, and appoint a successor.

2. To manage the estate for the best interests of his ward.

3. To render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty

days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable.

4. At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

5. To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and in case of doubtful debts to compound the same, and appear for and defend, or cause to be defended, all suits against such ward.

6. When any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education, as the amount of his estate may justify.

7. To loan or invest the money of his ward in a reasonable time after he receives it, and the payment of the money loaned or invested shall be secured by a mortgage on real estate of double the value of the money loaned, exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state, or the bonds or certificates of the funded debt of the United States: Provided, that said guardian shall in all cases be held to account for all premiums realized upon coin received by him, as interest or otherwise. And if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests.

8. To obey and perform all the orders and judgments of the proper courts touching the guardianship.

SEC. 2. Original section fourteen of said act concerning the relation of guardian and ward, is hereby repealed. Repeal

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE.
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To provide for redeeming the bills of the Seneca county bank.

WHEREAS, On the 1st day of March, 1857, when the Seneca county bank failed, it had bonds deposited with the treasurer of this state, as security for its circulating notes, amounting to the sum of two hundred nine thousand six hundred and forty-eight dollars. Of these bonds, the sum of one hundred and three thousand dollars was, without authority of law, appropriated to the use of the state, and to that amount and the interest thereon, the state was indebted to said bank, and to the holders of its bills; and, whereas, the state did redeem the bills of said bank at par to the amount of one hundred thousand eight hundred and seventy-nine dollars;

And, whereas, there was afterwards deposited with the receivers of said bank, bills of the same amounting to the sum of fifty-four thousand

eight hundred and forty-eight dollars, for which certificates were issued by said receivers, and the bills represented thereby deposited in the treasury of this state, leaving still an uncertain amount of notes of said bank outstanding, estimated not to exceed ten thousand dollars; and, whereas, the payment now by the state of said certificates and bills, without interest, will only give the holders thereof the fair equivalent of their *pro rata* share in the securities of said bank appropriated by the state to its own use; therefore,

Treasurer of state required to pay certificates and redeem bills.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of state is authorized and required to pay the certificates issued by the receivers of said Seneca county bank, and to redeem the outstanding bills of said bank, as hereinafter provided.

Oath required.

SEC. 2. Before any certificate shall be paid, the owner thereof, his agent, executor or administrator, shall make and subscribe an oath in due form of law, that the claimant was the *bona fide* owner and holder thereof on the first day of February, 1864. Whether the bills for which the same was given were received at par, or at a discount, and if at a discount the true amount thereof. If the claimant is not the person or persons to whom the certificate was issued, then when, from whom, and at what rate of discount the same was purchased, and how much was paid therefor. Before any bill or bills shall be redeemed, affidavit shall in like manner be made, that the claimant was the *bona fide* owner and holder thereof on the first day of February, 1864; whether said bill (or bills) was received at par, or at a discount, and if at a discount, at what rate and how much was paid therefor. Each affidavit, whether relating to certificates or bills, shall also state that the claimant is not, directly or indirectly, indebted to said bank; that he never was an officer of, stockholder in, or agent for, said bank, and that no such officer, stockholder, agent, or other person or persons, has directly or indirectly any interest in, or expectation from such certificates or bills.

Treasurer of state may refuse to pay.

SEC. 3 The treasurer of state, unless satisfied the claimant is the *bona fide* owner of the certificate, bill or bills presented, or that the rate of discount or sum paid therefor is truly stated, or, that no officer or stockholder of said bank, or person indebted thereto, is interested therein, may refuse to pay or redeem the same. Upon such refusal the claimant may appeal to the auditor of state, and his decision shall be final.

Appeal and final decision.

Duties of treasurer of state.

In paying said certificates and redeeming said bills, the treasurer shall make the same discount from the face thereof as was made on the bills for which the certificate was given, or on the certificate paid, or bills redeemed, in receiving or purchasing the same, and no interest shall be paid on the certificates or bills, or the amount paid for the same. The treasurer shall take the receipts of the claimant upon each certificate paid, and upon each affidavit for bills redeemed, showing the exact sum paid therefor, and shall charge the same to the appropriation hereby made.

Duties of auditor of state.

At the monthly examination of the treasury the auditor of state shall carefully examine the certificates paid and bills redeemed within the preceding month, and compare the same with the treasurer's account. If found correct, the auditor shall draw his warrant on the treasurer therefor, stating for what drawn, whether certificates or bills, and the amount of each, and the auditor shall immediately cancel the certificates and burn the bills to ashes in the presence of the treasurer.

SEC. 4. No greater amount of certificates shall be paid than the amount of bills now deposited therefor in the treasury.

Limitation.

SEC. 5. The treasurer shall continue to pay said certificates and re-

deem said bills until the first day of July, 1865, and no longer. Immediately thereafter, the auditor and treasurer of state shall proceed to burn to ashes the bills for which said certificates were issued, and such as have been redeemed by the treasurer and are then on hand, together with the unregistered circulation of said bank, if any. The balance of said appropriation shall be then charged and credited back to general revenue.

Bills to be burned.

SEC. 6. Any amount that may hereafter be recovered or received from the assets, debtors, officers or stockholders of said bank, in any manner or form, shall be certified into the treasury to the credit of general revenue, discharged from all claims from the bill-holders or other creditors of said bank.

SEC. 7. There is hereby appropriated as a special fund to pay and redeem said certificates and bills, from the general revenue, the sum of sixty-five thousand dollars, to be paid in the manner provided in this act.

Appropriation.

SEC. 8 Immediately after the passage of this act, the treasurer of state shall cause a notice to be published in one newspaper in the city of Cincinnati, one in Columbus, one in Cleveland, and one in Seneca county, for the period of three weeks, that he will pay the certificates and redeem the bills at the treasury, agreeably to the provisions of this act.

Notice to be published.

SEC. 9. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

the show licenses or escheats acquired within said county of Hamilton; and,

WHEREAS, On the 29th of March, 1856, a bill was passed by the legislature of Ohio, authorizing the sum of six hundred dollars to be retained in the county in which an escheat might transpire; and

WHEREAS, On the 16th day of April, 1862, the legislature of Ohio passed a bill which in effect virtually deprives the fund arising from escheat, from passing into the state treasury for the benefit of said agricultural fund; and,

WHEREAS, The Ohio state board of agriculture has derived an annual average sum of two thousand seven hundred and sixty dollars, from the two sources of revenue indicated or authorized by the act of February 8, 1847; therefore

Appropriation

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That there is hereby appropriated from the general revenue not otherwise appropriated, for each of the years 1864 and 1865, the sum of three thousand three hundred dollars, for the encouragement and improvement of the agricultural interests of the state, in such manner as the state board of agriculture may deem most conducive to that object: Provided, that said state board of agriculture shall pay the sum of three hundred dollars annually to the Ohio pomological society; and the treasurer of state is hereby directed to pay said sum to the president of Ohio state board of agriculture, on the warrant of the Auditor of state.

Proviso.

SEC. 2. That portion of the show license fund heretofore set apart for the state agricultural fund, and the funds arising from the sale of escheated lands set apart for the state agricultural fund, shall be collected as heretofore and paid into the state treasury, and be regarded in every sense as forming a part of the general revenue.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

Supplementary to an act passed May 3d, 1852, to provide for the organization of cities and incorporated villages.

Council of incorporated village may erect prison and council hall.

Tax levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village shall have power to purchase a site and to erect thereon suitable buildings for a village prison and council hall; and they may, for not more than five years, levy a tax on all the taxable property of said village, not to exceed one fifth part of the whole amount necessary for the purchase of such site and construction of said prison and council hall, and interest due thereon (provided the council borrow the money) in any one year The prison to be in keeping and control of the village marshal, under such rules and regulations as the council shall prescribe. It shall be his duty to provide all persons confined therein with necessary food during their confinement, and the costs therefor shall not exceed thirty cents per day for each person, to be paid out of the village treasury, and taxed in

Village marshal;

—his duties.

Sustenance and costs.

the bill of costs. The council may, by ordinance, provide for the keeping of persons convicted and sentenced to hard labor during the term of their imprisonment, at such place or places within the corporation as said council may determine. Hard labor, prisoners.

SEC. 2. The council of every such incorporated village shall have power to provide, by ordinance, for the summoning and impanneling of juries by the mayor of the village; such jurors shall have the qualifications of jurors in the court of common pleas. Jurors and witnesses, in all prosecutions before the mayor, for violations of the village ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance; all of which fees, in case of conviction, shall be taxed against the parties convicted. The mayor shall have exclusive jurisdiction in all prosecutions for violations of the village ordinances; with full power to hear and determine, when a jury is not demanded in cases where it may be properly claimed; he may award and issue any process that may be necessary to enforce the administration of justice throughout the village, and for the lawful exercise of his jurisdiction according to the usages of law; he may also (or in his absence the recorder) grant to magistrates of adjoining or contiguous townships the temporary use of said village prison to confine criminals or other persons dangerous to the peace of the community, until they can be safely removed therefrom to the county jail or place of security. Juries and jurors. Fees. Powers of mayor.

SEC. 3. That the council of any incorporated village shall have power to provide by ordinance for the punishment of persons disturbing the good order and quiet of the village by clamor and noise in the night season, by intoxication, drunkenness, fighting, using obscene and profane language in the streets, or other public places, to the annoyance of its citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior; and they shall have power in like manner to provide for the punishment of disturbers of the peace, common prostitutes, pickpockets, burglars, and thieves, watch-stuffers, and persons practicing any trick, or game, with intent to swindle, and persons who abuse their families, and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: Provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor for the first offense shall not exceed thirty days, and for the second or any further repetition of the same offense, not exceeding sixty days. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the cost of prosecution, shall be imprisoned and kept at hard labor, until, at the rate of one dollar for each day's labor, exclusive of Sundays, they shall have earned an amount equal to such fines and costs, but not to exceed the time above named. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the proprieties due to age and sex, and a just regard to the health of the prisoners. Council may pass ordinances to preserve public peace and punish offenders. Quality of punishment. Limitations. Unpaid fines. Penalty.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section eleven of the act for the relief of the families of soldiers and marines in the state and United States service, passed February 25, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the said act be so amended as to read as follows:

Commissioners required to borrow money; limitation. Transfer of funds; school funds excepted How money repaid. Definition of "family." Proviso.

Section 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate four-fifths of their proportion of the tax levied by this act, and may to that extent, temporarily transfer money from any other fund, except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters: Provided, however, that such reasonable proportion of said fund shall be appropriated and applied, under the restrictions and limitations aforesaid, to the relief of indigent and dependent soldiers and marines within the several counties, who, by reason of disease contracted, or wounds received in said service, are unable to support themselves.

Repeal.

SEC. 2. This act to take effect from its passage; and said original section of said act is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 31, 1864.

AN ACT

Amendatory and supplementary to an act passed April 5th, 1856, entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852," and the several acts amendatory thereof, and supplementary to said acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities referred to in the first section of the act to which this is amendatory and supplementary, and cities of the second class having a population of over thirteen thousand inhabitants at the last federal census, shall, for the purpose of paying the value of any land or lands, lot or lots, which may be taken or appropriated for the purpose of laying off, opening, extending or widening any street, alley, public highway, public grounds, wharf, landing place, or market space, in addition to the power already conferred on them for that purpose, have power to assess and collect a charge on the owner or owners of any lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place, or market space shall pass, accord-

Powers in relation to lands or lots taken.

ing to benefits. In all cases where said city council shall determine to pay said value by an assessment according to benefits, the board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such value on such lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, as will be benefitted thereby, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in the official newspaper of the city that such assessment has been made, and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment, shall file their objections, in writing, with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested freeholders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same, as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same, or set the same aside and cause a new assessment, and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such assessment is confirmed by the city council the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed, and such proceedings shall be had for the collection and enforcement of said assessment as in other cases of street improvement by special assessment.

Assessment.

Proceedings.

Equalizing board.

A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, and confirming such assessment.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem. of the Senate.

March 31, 1864.

AN ACT

For the relief of debtors in the military and naval service of this state or o the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a party against whom a judgment or order has been or shall be entered without defense made, whilst such party was, or may be, in the actual military or naval service of the United States, or of this

Party may open up judgment or order

within one year after discharge. Proceedings.

state, may, at any time within one year after his final discharge from said service, have the same opened up and be let in to defend. Before the judgment or order shall be opened, the applicant shall give notice to the adverse party of his intention to make such application, shall file a full answer to the petition, pay all costs, if the court require them to be paid, and make it appear to the satisfaction of the court, by affidavit, that during the pending of the action, he was actually in the military or naval service of the state or of the United States. The adverse party on the hearing of an application to open judgment or order, as provided by this section, shall be allowed to present counter affidavits to show that during the pendency of this action the applicant was not actually in the military or naval service of the United States or of this state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

[March 31, 1864.

AN ACT

To provide for the payment of certain claims, and incidental expenses.

Appropriation

Gen. assembly

Brownell.

Patterson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and is hereby appropriated out of any money in the state treasury for general revenue purposes, in the year 1864, for the payment of expenses incidental to this session of the general assembly to be paid on the certificate of the sergeant-at arms of the respective houses, one hundred dollars; for the payment of balance due L. R. Brownell, allotment agent, two hundred and thirty-six dollars and seventy-five cents; for the payment of the mileage of Jefferson Patterson, a member of the house of representatives, of Montgomery county, at the adjourned session of the general assembly of this state, of 1863, twenty-two dollars and forty cents, to be paid to his administratrix.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize cities of the first class having a population of less than one hundred thousand, to fund their floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population less than one hundred thousand, at the last federal census, for the purpose of paying any floating indebtedness of such city here-

tofore incurred, shall have the power to issue the bonds of such city, payable at such time as the city council may determine, not exceeding twelve years, and redeemable at any time after six years, at the pleasure of the council, bearing interest not exceeding six per cent. per annum, payable semi-annually, and when such bonds shall have been issued, a tax shall be levied and collected, sufficient in amount to provide a sinking fund for their redemption as they come due, and the interest thereon, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May, 1852, which shall be appropriated to the payment of such bonds and interest, and to no other purpose: Provided, that the whole amount of bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars: Provided, also, that the bonds hereby authorized to be issued shall not be sold at less than the par value thereof.

Power to issue bonds.

Tax for redemption.

Proviso.

SEC. 2. That if the city council of any such city, or any officer or officers thereof, shall knowingly divert or appropriate either such bonds or the proceeds thereof, or the tax or sinking fund raised under this act, to any other purpose than that to which they are by this act appropriated, every such person, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than twenty days nor more than six months, or both, at the discretion of the court.

Penalty.

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize the appraisal and sale of lands belonging to the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works cause to be appraised by some suitable person in each county where the land is located, all lands at or adjacent to the public works of the state, not including the lands covered by the Mercer county and Lewistown reservoirs, and the lands necessary to carry out the contract leasing the public works, excepting such lands as have been heretofore appraised, and report the same to the auditor of state on or before the first day of September next, together with a proper description of said lands, and for this purpose the board of public works are authorized to employ a competent surveyor.

Appraisement. Board public works.

SEC. 2. That the auditor of state be required to appoint a suitable person or persons in each county where the land is located, to appraise all the lands belonging to the state, not including the lands specified in section one of this act, but including the lands described in the report of the auditor of state for the year 1863, as being in the counties of Defiance, Paulding and Franklin, and all other lands which the said auditor of state may ascertain as belonging to the state.

Appraisement auditor of state.

SEC. 3. That as soon as the appraisal of the lands described in

Auditor state may sell lands

sections one and two of this act shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same for cash, at a sum not less than the appraised value, and all sums arising from the sale of said lands, shall be paid into the treasury of the state to the credit of the sinking fund: Provided, that the lot of land described as the stone quarry in survey number 2668, shall not be sold until directed by the general assembly. And, provided further, that the auditor of state cause said lands to be offered at public sale at the door of the court house in each of said counties wherein the lands lie, and shall cause public notice of said sale to be published in a newspaper printed in each of said counties or of general circulation therein, for five consecutive weeks immediately preceding said sale, and if said lands shall not sell at public sale, then the auditor of state may sell at private sale, and in no case shall the lands be sold for less than the appraised value thereof.

Proviso.

SEC. 4. That for the purpose of defraying the expenses of the appraisal of said lands, the sum of five hundred dollars be and is hereby appropriated to be paid out of any money in the treasury belonging to the general revenue not otherwise appropriated, to be paid on the certificate of the auditor of state, and the president of the board of public works respectively.

Appropriation

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section fourteen of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858.

S. & C. 670.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858, be amended so as to read as follows:

SEC. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit:

Duties of guardians of minors.

1. To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him, and appoint a successor.

2. To manage the estate for the best interests of his ward.

3. To render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty

days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable.

4. At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

5. To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and in case of doubtful debts to compound the same, and appear for and defend, or cause to be defended, all suits against such ward.

6. When any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education, as the amount of his estate may justify.

7. To loan or invest the money of his ward in a reasonable time after he receives it, and the payment of the money loaned or invested shall be secured by a mortgage on real estate of double the value of the money loaned, exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state, or the bonds or certificates of the funded debt of the United States: Provided, that said guardian shall in all cases be held to account for all premiums realized upon coin received by him, as interest or otherwise. And if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests.

8. To obey and perform all the orders and judgments of the proper courts touching the guardianship.

SEC. 2. Original section fourteen of said act concerning the relation of guardian and ward, is hereby repealed. Repeal

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To provide for redeeming the bills of the Seneca county bank.

WHEREAS, On the 1st day of March, 1857, when the Seneca county bank failed, it had bonds deposited with the treasurer of this state, as security for its circulating notes, amounting to the sum of two hundred nine thousand six hundred and forty-eight dollars. Of these bonds, the sum of one hundred and three thousand dollars was, without authority of law, appropriated to the use of the state, and to that amount and the interest thereon, the state was indebted to said bank, and to the holders of its bills; and, whereas, the state did redeem the bills of said bank at par to the amount of one hundred thousand eight hundred and seventy-nine dollars;

And, whereas, there was afterwards deposited with the receivers of said bank, bills of the same amounting to the sum of fifty-four thousand

AN ACT

To regulate in cities of the first and second class, stores or shops for the purchase, sale, or exchange, of old metals, or second hand furniture.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first and second class, every keeper of a shop or store for the purchase, sale, or barter of old metals, second hand furniture, or second hand articles of any kind, shall put up in some suitable and conspicuous place in his shop or store, a sign having his name and occupation legibly inscribed thereon, and shall keep a book in which shall be written at the time of every purchase of any such old metals or second hand articles, a description of the article or articles purchased, the name, age, and residence of the person from whom, and the day and hour when such purchase was made.

Signs and books.

Prohibition as to minors and apprentices.

SEC. 2. That no keeper of any such shop or store shall directly or indirectly purchase or receive by way of barter or exchange, any old metals, second hand furniture, or other second hand articles, of any minor or apprentice, knowing or having reason to believe him to be such.

Prohibition as to time.

SEC. 3. No keeper of any such shop or store shall purchase or receive by way of barter or exchange, any of the articles aforesaid from any person whatever, after the hours of 9 o'clock at night, or before the hour of 7 o'clock in the morning.

Penalty.

SEC. 4. That any person violating the provisions of this act, shall be deemed guilty of a disdemeanor, and upon conviction thereof, shall be fined in any sum not more than five hundred dollars, at the discretion of any court of competent jurisdiction,

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section 313 of "an act to establish a code of civil procedure."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the act entitled "an act to establish a code of civil procedure," as amended by an act entitled "an act to amend sections 313 and 344 of the code of civil procedure," passed April 3, 1861, be so amended as to read as follows:

Testimony not allowed in specified cases.

SEC. 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases, namely:

Exceptions.

1st. In actions with the executor, administrator, guardian, or trustee of infants, heir, or devisee, as above specified, a party may testify to facts which occurred after the death of the decedant or parent.

2d. In actions upon contracts made by deceased persons through

agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent. In actions upon contracts made by agents of persons deceased.

3d. In actions of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations. Testimony permitted.

4th. In actions of either of the classes above specified, in which one party calls a witness (other than an agent, or one interested,) to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, but in his absence, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defence is founded on book account, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case. Book accounts

6th. If the deposition of a party who has died during the pendency of the suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor. Deposition of party deceased.

Sec. 2. That said section three hundred and thirteen, as amended April 3, 1861, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and shall apply to all actions now pending, as well as actions hereafter commenced. Repeal. Suits pending.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To create a permanent fund for the Ohio state board of agriculture.

Whereas, On the 8th day of February, A. D. 1847, a bill was passed by the Ohio legislature, entitled "an act to create a permanent agricultural fund in the state of Ohio, and for other purposes;" which bill provides that the minimum of show licenses shall be twenty dollars, and that one-half of the fund arising from show licenses throughout the state shall be set apart for the state agricultural fund, and said bill furthermore provides, that the fund arising from the sale of escheated lands shall also be set apart for the state agricultural fund; and,

Whereas, The aforesaid bill exonerates Hamilton county from the payment into the state treasury for the agricultural fund, of any portion of

AN ACT

To regulate in cities of the first and second class, stores or shops for the purchase, sale, or exchange, of old metals, or second hand furniture.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first and second class, every keeper of a shop or store for the purchase, sale, or barter of old metals, second hand furniture, or second hand articles of any kind, shall put up in some suitable and conspicuous place in his shop or store, a sign having his name and occupation legibly inscribed thereon, and shall keep a book in which shall be written at the time of every purchase of any such old metals or second hand articles, a description of the article or articles purchased, the name, age, and residence of the person from whom, and the day and hour when such purchase was made.

Signs and books.

Prohibition as to minors and apprentices.

SEC. 2. That no keeper of any such shop or store shall directly or indirectly purchase or receive by way of barter or exchange, any old metals, second hand furniture, or other second hand articles, of any minor or apprentice, knowing or having reason to believe him to be such.

Prohibition as to time.

SEC. 3. No keeper of any such shop or store shall purchase or receive by way of barter or exchange, any of the articles aforesaid from any person whatever, after the hours of 9 o'clock at night, or before the hour of 7 o'clock in the morning.

Penalty.

SEC. 4. That any person violating the provisions of this act, shall be deemed guilty of a disdemeanor, and upon conviction thereof, shall be fined in any sum not more than five hundred dollars, at the discretion of any court of competent jurisdiction,

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section 313 of "an act to establish a code of civil procedure."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the act entitled "an act to establish a code of civil procedure," as amended by an act entitled "an act to amend sections 313 and 344 of the code of civil procedure," passed April 3, 1861, be so amended as to read as follows:

Testimony not allowed in specified cases.

SEC. 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases, namely:

Exceptions.

1st. In actions with the executor, administrator, guardian, or trustee of infants, heir, or devisee, as above specified, a party may testify to facts which occurred after the death of the decedant or parent.

2d. In actions upon contracts made by deceased persons through

agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent. In actions upon contracts made by agents of persons deceased.

3d. In actions of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations. Testimony permitted.

4th. In actions of either of the classes above specified, in which one party calls a witness (other than an agent, or one interested,) to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, but in his absence, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defence is founded on book account, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case. Book accounts

6th. If the deposition of a party who has died during the pendency of the suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor. Deposition of party deceased

SEC. 2. That said section three hundred and thirteen, as amended April 3, 1861, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and shall apply to all actions now pending, as well as actions hereafter commenced. Repeal. Suits pending.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To create a permanent fund for the Ohio state board of agriculture.

WHEREAS, On the 8th day of February, A. D. 1847, a bill was passed by the Ohio legislature, entitled "an act to create a permanent agricultural fund in the state of Ohio, and for other purposes;" which bill provides that the minimum of show licenses shall be twenty dollars, and that one-half of the fund arising from show licenses throughout the state shall be set apart for the state agricultural fund, and said bill furthermore provides, that the fund arising from the sale of escheated lands shall also be set apart for the state agricultural fund; and,

WHEREAS, The aforesaid bill exonerates Hamilton county from the payment into the state treasury for the agricultural fund, of any portion of

the show licenses or escheats acquired within said county of Hamilton; and,

WHEREAS, On the 29th of March, 1856, a bill was passed by the legislature of Ohio, authorizing the sum of six hundred dollars to be retained in the county in which an escheat might transpire; and

WHEREAS, On the 16th day of April, 1862, the legislature of Ohio passed a bill which in effect virtually deprives the fund arising from escheat, from passing into the state treasury for the benefit of said agricultural fund; and,

WHEREAS, The Ohio state board of agriculture has derived an annual average sum of two thousand seven hundred and sixty dollars, from the two sources of revenue indicated or authorized by the act of February 8, 1847; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That there is hereby appropriated from the general revenue not otherwise appropriated, for each of the years 1864 and 1865, the sum of three thousand three hundred dollars, for the encouragement and improvement of the agricultural interests of the state, in such manner as the state board of agriculture may deem most conducive to that object: Provided, that said state board of agriculture shall pay the sum of three hundred dollars annually to the Ohio pomological society; and the treasurer of state is hereby directed to pay said sum to the president of Ohio state board of agriculture, on the warrant of the Auditor of state.

Appropriation

Proviso.

SEC. 2. That portion of the show license fund heretofore set apart for the state agricultural fund, and the funds arising from the sale of escheated lands set apart for the state agricultural fund, shall be collected as heretofore and paid into the state treasury, and be regarded in every sense as forming a part of the general revenue.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

Supplementary to an act passed May 3d, 1852, to provide for the organization of cities and incorporated villages.

Council of incorporated village may erect prison and council hall.
Tax levied.

Village marshal;
—his duties.
Sustenance and costs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village shall have power to purchase a site and to erect thereon suitable buildings for a village prison and council hall; and they may, for not more than five years, levy a tax on all the taxable property of said village, not to exceed one fifth part of the whole amount necessary for the purchase of such site and construction of said prison and council hall, and interest due thereon (provided the council borrow the money) in any one year The prison to be in keeping and control of the village marshal, under such rules and regulations as the council shall prescribe. It shall be his duty to provide all persons confined therein with necessary food during their confinement, and the costs therefor shall not exceed thirty cents per day for each person, to be paid out of the village treasury, and taxed in

the bill of costs. The council may, by ordinance, provide for the keeping of persons convicted and sentenced to hard labor during the term of their imprisonment, at such place or places within the corporation as said council may determine. Hard labor, prisoners.

SEC. 2. The council of every such incorporated village shall have power to provide, by ordinance, for the summoning and impanneling of juries by the mayor of the village; such jurors shall have the qualifications of jurors in the court of common pleas. Jurors and witnesses, in all prosecutions before the mayor, for violations of the village ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance; all of which fees, in case of conviction, shall be taxed against the parties convicted. The mayor shall have exclusive jurisdiction in all prosecutions for violations of the village ordinances; with full power to hear and determine, when a jury is not demanded in cases where it may be properly claimed; he may award and issue any process that may be necessary to enforce the administration of justice throughout the village, and for the lawful exercise of his jurisdiction according to the usages of law; he may also (or in his absence the recorder) grant to magistrates of adjoining or contiguous townships the temporary use of said village prison to confine criminals or other persons dangerous to the peace of the community, until they can be safely removed therefrom to the county jail or place of security. Juries and jurors. Fees. Powers of mayor.

SEC. 3. That the council of any incorporated village shall have power to provide by ordinance for the punishment of persons disturbing the good order and quiet of the village by clamor and noise in the night season, by intoxication, drunkenness, fighting, using obscene and profane language in the streets, or other public places, to the annoyance of its citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior; and they shall have power in like manner to provide for the punishment of disturbers of the peace, common prostitutes, pickpockets, burglars, and thieves, watch-stuffers, and persons practicing any trick, or game, with intent to swindle, and persons who abuse their families, and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: Provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor for the first offense shall not exceed thirty days, and for the second or any further repetition of the same offense, not exceeding sixty days. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the cost of prosecution, shall be imprisoned and kept at hard labor, until, at the rate of one dollar for each day's labor, exclusive of Sundays, they shall have earned an amount equal to such fines and costs, but not to exceed the time above named. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the proprieties due to age and sex, and a just regard to the health of the prisoners. Council may pass ordinances to preserve public peace and punish offenders. Quality of punishment. Limitations. Unpaid fines. Penalty.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section eleven of the act for the relief of the families of soldiers and marines in the state and United States service, passed February 25, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the said act be so amended as to read as follows:

Commissioners required to borrow money; limitation. Transfer of funds; school funds excepted How money repaid. Definition of "family." Proviso.

Section 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate four-fifths of their proportion of the tax levied by this act, and may to that extent, temporarily transfer money from any other fund, except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters: Provided, however, that such reasonable proportion of said fund shall be appropriated and applied, under the restrictions and limitations aforesaid, to the relief of indigent and dependent soldiers and marines within the several counties, who, by reason of disease contracted, or wounds received in said service, are unable to support themselves.

Repeal.

SEC. 2. This act to take effect from its passage; and said original section of said act is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 31, 1864.

AN ACT

Amendatory and supplementary to an act passed April 5th, 1856, entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852," and the several acts amendatory thereof, and supplementary to said acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities referred to in the first section of the act to which this is amendatory and supplementary, and cities of the second class having a population of over thirteen thousand inhabitants at the last federal census, shall, for the purpose of paying the value of any land or lands, lot or lots, which may be taken or appropriated for the purpose of laying off, opening, extending or widening any street, alley, public highway, public grounds, wharf, landing place, or market space, in addition to the power already conferred on them for that purpose, have power to assess and collect a charge on the owner or owners of any lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place, or market space shall pass, accord-

Powers in relation to lands or lots taken.

ing to benefits. In all cases where said city council shall determine to pay said value by an assessment according to benefits, the board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such value on such lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, as will be benefitted thereby, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in the official newspaper of the city that such assessment has been made, and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment, shall file their objections, in writing, with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested freeholders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same, as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same, or set the same aside and cause a new assessment, and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such assessment is confirmed by the city council the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed, and such proceedings shall be had for the collection and enforcement of said assessment as in other cases of street improvement by special assessment.

Assessment.

Proceedings.

Equalizing board.

A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, and confirming such assessment.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem. of the Senate.

March 31, 1864.

AN ACT

For the relief of debtors in the military and naval service of this state or o the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a party against whom a judgment or order has been or shall be entered without defense made, whilst such party was, or may be, in the actual military or naval service of the United States, or of this

Party may open up judgment or order

AN ACT

To amend section eleven of the act for the relief of the families of soldiers and marines in the state and United States service, passed February 25, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the said act be so amended as to read as follows:

Commissioners required to borrow money; limitation.

Transfer of funds; school funds excepted How money repaid.

Definition of "family."

Proviso.

Section 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate four-fifths of their proportion of the tax levied by this act, and may to that extent, temporarily transfer money from any other fund, except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters: Provided, however, that such reasonable proportion of said fund shall be appropriated and applied, under the restrictions and limitations aforesaid, to the relief of indigent and dependent soldiers and marines within the several counties, who, by reason of disease contracted, or wounds received in said service, are unable to support themselves.

Repeal.

SEC. 2. This act to take effect from its passage; and said original section of said act is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 31, 1864.

AN ACT

Amendatory and supplementary to an act passed April 5th, 1856, entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852," and the several acts amendatory thereof, and supplementary to said acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities referred to in the first section of the act to which this is amendatory and supplementary, and cities of the second class having a population of over thirteen thousand inhabitants at the last federal census, shall, for the purpose of paying the value of any land or lands, lot or lots, which may be taken or appropriated for the purpose of laying off, opening, extending or widening any street, alley, public highway, public grounds, wharf, landing place, or market space, in addition to the power already conferred on them for that purpose, have power to assess and collect a charge on the owner or owners of any lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place, or market space shall pass, accord-

Powers in relation to lands or lots taken.

ing to benefits. In all cases where said city council shall determine to pay said value by an assessment according to benefits, the board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such value on such lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, as will be benefitted thereby, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in the official newspaper of the city that such assessment has been made, and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment, shall file their objections, in writing, with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested freeholders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same, as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same, or set the same aside and cause a new assessment, and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such assessment is confirmed by the city council the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed, and such proceedings shall be had for the collection and enforcement of said assessment as in other cases of street improvement by special assessment.

Assessment.

Proceedings.

Equalizing board.

A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, and confirming such assessment.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem. of the Senate.

March 31, 1864.

AN ACT

For the relief of debtors in the military and naval service of this state or o the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a party against whom a judgment or order has been or shall be entered without defense made, whilst such party was, or may be, in the actual military or naval service of the United States, or of this

Party may open up judgment or order

within one year after discharge. Proceedings.

state, may, at any time within one year after his final discharge from said service, have the same opened up and be let in to defend. Before the judgment or order shall be opened, the applicant shall give notice to the adverse party of his intention to make such application, shall file a full answer to the petition, pay all costs, if the court require them to be paid, and make it appear to the satisfaction of the court, by affidavit, that during the pending of the action, he was actually in the military or naval service of the state or of the United States. The adverse party on the hearing of an application to open judgment or order, as provided by this section, shall be allowed to present counter affidavits to show that during the pendency of this action the applicant was not actually in the military or naval service of the United States or of this state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

[March 31, 1864.

AN ACT

To provide for the payment of certain claims, and incidental expenses.

Appropriation

Gen. assembly

Brownell.

Patterson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and is hereby appropriated out of any money in the state treasury for general revenue purposes, in the year 1864, for the payment of expenses incidental to this session of the general assembly to be paid on the certificate of the sergeant-at arms of the respective houses, one hundred dollars; for the payment of balance due L. R. Brownell, allotment agent, two hundred and thirty-six dollars and seventy-five cents; for the payment of the mileage of Jefferson Patterson, a member of the house of representatives, of Montgomery county, at the adjourned session of the general assembly of this state, of 1863, twenty-two dollars and forty cents, to be paid to his administratrix.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize cities of the first class having a population of less than one hundred thousand, to fund their floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population less than one hundred thousand, at the last federal census, for the purpose of paying any floating indebtedness of such city here-

tofore incurred, shall have the power to issue the bonds of such city, payable at such time as the city council may determine, not exceeding twelve years, and redeemable at any time after six years, at the pleasure of the council, bearing interest not exceeding six per cent. per annum, payable semi-annually, and when such bonds shall have been issued, a tax shall be levied and collected, sufficient in amount to provide a sinking fund for their redemption as they come due, and the interest thereon, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May, 1852. which shall be appropriated to the payment of such bonds and interest, and to no other purpose: Provided, that the whole amount of bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars: Provided, also, that the bonds hereby authorized to be issued shall not be sold at less than the par value thereof.

Power to issue bonds

Tax for redemption

Proviso.

SEC. 2. That if the city council of any such city, or any officer or officers thereof, shall knowingly divert or appropriate either such bonds or the proceeds thereof, or the tax or sinking fund raised under this act, to any other purpose than that to which they are by this act appropriated, every such person, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than twenty days nor more than six months, or both, at the discretion of the court.

Penalty

SEC. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize the appraisal and sale of lands belonging to the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works cause to be appraised by some suitable person in each county where the land is located, all lands at or adjacent to the public works of the state, not including the lands covered by the Mercer county and Lewistown reservoirs, and the lands necessary to carry out the contract leasing the public works, excepting such lands as have been heretofore appraised, and report the same to the auditor of state on or before the first day of September next, together with a proper description of said lands, and for this purpose the board of public works are authorized to employ a competent surveyor.

Appraisement Board public works.

SEC. 2. That the auditor of state be required to appoint a suitable person or persons in each county where the land is located, to appraise all the lands belonging to the state, not including the lands specified in section one of this act, but including the lands described in the report of the auditor of state for the year 1863, as being in the counties of Defiance, Paulding and Franklin, and all other lands which the said auditor of state may ascertain as belonging to the state.

Appraisement auditor of state.

SEC. 3. That as soon as the appraisal of the lands described in

Auditor state may sell lands

sections one and two of this act shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same for cash, at a sum not less than the appraised value, and all sums arising from the sale of said lands, shall be paid into the treasury of the state to the credit of the sinking fund: Provided, that the lot of land described as the stone quarry in survey number 2668, shall not be sold until directed by the general assembly. And, provided further, that the auditor of state cause said lands to be offered at public sale at the door of the court house in each of said counties wherein the lands lie, and shall cause public notice of said sale to be published in a newspaper printed in each of said counties or of general circulation therein, for five consecutive weeks immediately preceding said sale, and if said lands shall not sell at public sale, then the auditor of state may sell at private sale, and in no case shall the lands be sold for less than the appraised value thereof.

Proviso.

SEC. 4. That for the purpose of defraying the expenses of the appraisal of said lands, the sum of five hundred dollars be and is hereby appropriated to be paid out of any money in the treasury belonging to the general revenue not otherwise appropriated, to be paid on the certificate of the auditor of state, and the president of the board of public works respectively.

Appropriation

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section fourteen of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858.

S. & C. 670.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858, be amended so as to read as follows:

SEC. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit:

Duties of guardians of minors.

1. To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him, and appoint a successor.

2. To manage the estate for the best interests of his ward.

3. To render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty

days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable.

4. At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

5. To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and in case of doubtful debts to compound the same, and appear for and defend, or cause to be defended, all suits against such ward.

6. When any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education, as the amount of his estate may justify.

7. To loan or invest the money of his ward in a reasonable time after he receives it, and the payment of the money loaned or invested shall be secured by a mortgage on real estate of double the value of the money loaned, exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state, or the bonds or certificates of the funded debt of the United States: Provided, that said guardian shall in all cases be held to account for all premiums realized upon coin received by him, as interest or otherwise. And if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests.

8. To obey and perform all the orders and judgments of the proper courts touching the guardianship.

SEC. 2. Original section fourteen of said act concerning the relation of guardian and ward, is hereby repealed. Repeal

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To provide for redeeming the bills of the Seneca county bank.

WHEREAS, On the 1st day of March, 1857, when the Seneca county bank failed, it had bonds deposited with the treasurer of this state, as security for its circulating notes, amounting to the sum of two hundred nine thousand six hundred and forty-eight dollars. Of these bonds, the sum of one hundred and three thousand dollars was, without authority of law, appropriated to the use of the state, and to that amount and the interest thereon, the state was indebted to said bank, and to the holders of its bills; and, whereas, the state did redeem the bills of said bank at par to the amount of one hundred thousand eight hundred and seventy-nine dollars;

And, whereas, there was afterwards deposited with the receivers of said bank, bills of the same amounting to the sum of fifty-four thousand

AN ACT

To regulate in cities of the first and second class, stores or shops for the purchase, sale, or exchange, of old metals, or second hand furniture.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first and second class, every keeper of a shop or store for the purchase, sale, or barter of old metals, second hand furniture, or second hand articles of any kind, shall put up in some suitable and conspicuous place in his shop or store, a sign having his name and occupation legibly inscribed thereon, and shall keep a book in which shall be written at the time of every purchase of any such old metals or second hand articles, a description of the article or articles purchased, the name, age, and residence of the person from whom, and the day and hour when such purchase was made.

Signs and books.

Prohibition as to minors and apprentices.

SEC. 2. That no keeper of any such shop or store shall directly or indirectly purchase or receive by way of barter or exchange, any old metals, second hand furniture, or other second hand articles, of any minor or apprentice, knowing or having reason to believe him to be such.

Prohibition as to time.

SEC. 3. No keeper of any such shop or store shall purchase or receive by way of barter or exchange, any of the articles aforesaid from any person whatever, after the hours of 9 o'clock at night, or before the hour of 7 o'clock in the morning.

Penalty.

SEC. 4. That any person violating the provisions of this act, shall be deemed guilty of a disdemeanor, and upon conviction thereof, shall be fined in any sum not more than five hundred dollars, at the discretion of any court of competent jurisdiction,

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section 313 of "an act to establish a code of civil procedure."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the act entitled "an act to establish a code of civil procedure," as amended by an act entitled "an act to amend sections 313 and 344 of the code of civil procedure," passed April 3, 1861, be so amended as to read as follows:

Testimony not allowed in specified cases.

SEC. 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir or devisee of a deceased person, except in the following cases, namely:

Exceptions.

1st. In actions with the executor, administrator, guardian, or trustee of infants, heir, or devisee, as above specified, a party may testify to facts which occurred after the death of the decedant or parent.

2d. In actions upon contracts made by deceased persons through

agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent. In actions upon contracts made by agents of persons deceased.

3d. In actions of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations. Testimony permitted.

4th. In actions of either of the classes above specified, in which one party calls a witness (other than an agent, or one interested,) to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, but in his absence, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defence is founded on book account, a party may testify to his account book, that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case. Book accounts

6th. If the deposition of a party who has died during the pendency of the suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor. Deposition of party deceased.

SEC. 2. That said section three hundred and thirteen, as amended April 3, 1861, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and shall apply to all actions now pending, as well as actions hereafter commenced. Repeal. Suits pending.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To create a permanent fund for the Ohio state board of agriculture.

WHEREAS, On the 8th day of February, A. D. 1847, a bill was passed by the Ohio legislature, entitled "an act to create a permanent agricultural fund in the state of Ohio, and for other purposes;" which bill provides that the minimum of show licenses shall be twenty dollars, and that one-half of the fund arising from show licenses throughout the state shall be set apart for the state agricultural fund, and said bill furthermore provides, that the fund arising from the sale of escheated lands shall also be set apart for the state agricultural fund; and,

WHEREAS, The aforesaid bill exonerates Hamilton county from the payment into the state treasury for the agricultural fund, of any portion of

the show licenses or escheats acquired within said county of Hamilton; and,

WHEREAS, On the 29th of March, 1856, a bill was passed by the legislature of Ohio, authorizing the sum of six hundred dollars to be retained in the county in which an escheat might transpire; and

WHEREAS, On the 16th day of April, 1862, the legislature of Ohio passed a bill which in effect virtually deprives the fund arising from escheat, from passing into the state treasury for the benefit of said agricultural fund; and,

WHEREAS, The Ohio state board of agriculture has derived an annual average sum of two thousand seven hundred and sixty dollars, from the two sources of revenue indicated or authorized by the act of February 8, 1847; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That there is hereby appropriated from the general revenue not otherwise appropriated, for each of the years 1864 and 1865, the sum of three thousand three hundred dollars, for the encouragement and improvement of the agricultural interests of the state, in such manner as the state board of agriculture may deem most conducive to that object: Provided, that said state board of agriculture shall pay the sum of three hundred dollars annually to the Ohio pomological society; and the treasurer of state is hereby directed to pay said sum to the president of Ohio state board of agriculture, on the warrant of the Auditor of state.

Appropriation

Proviso.

SEC. 2. That portion of the show license fund heretofore set apart for the state agricultural fund, and the funds arising from the sale of escheated lands set apart for the state agricultural fund, shall be collected as heretofore and paid into the state treasury, and be regarded in every sense as forming a part of the general revenue.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

Supplementary to an act passed May 3d, 1852, to provide for the organization of cities and incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village shall have power to purchase a site and to erect thereon suitable buildings for a village prison and council hall; and they may, for not more than five years, levy a tax on all the taxable property of said village, not to exceed one fifth part of the whole amount necessary for the purchase of such site and construction of said prison and council hall, and interest due thereon (provided the council borrow the money) in any one year The prison to be in keeping and control of the village marshal, under such rules and regulations as the council shall prescribe. It shall be his duty to provide all persons confined therein with necessary food during their confinement, and the costs therefor shall not exceed thirty cents per day for each person, to be paid out of the village treasury, and taxed in

Council of incorporated village may erect prison and council hall.

Tax levied.

Village marshal;

—his duties.

Sustenance and costs.

the bill of costs. The council may, by ordinance, provide for the keeping of persons convicted and sentenced to hard labor during the term of their imprisonment, at such place or places within the corporation as said council may determine. Hard labor, prisoners.

SEC. 2. The council of every such incorporated village shall have power to provide, by ordinance, for the summoning and impanneling of juries by the mayor of the village; such jurors shall have the qualifications of jurors in the court of common pleas. Jurors and witnesses, in all prosecutions before the mayor, for violations of the village ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance; all of which fees, in case of conviction, shall be taxed against the parties convicted. The mayor shall have exclusive jurisdiction in all prosecutions for violations of the village ordinances; with full power to hear and determine, when a jury is not demanded in cases where it may be properly claimed; he may award and issue any process that may be necessary to enforce the administration of justice throughout the village, and for the lawful exercise of his jurisdiction according to the usages of law; he may also (or in his absence the recorder) grant to magistrates of adjoining or contiguous townships the temporary use of said village prison to confine criminals or other persons dangerous to the peace of the community, until they can be safely removed therefrom to the county jail or place of security. Juries and jurors. Fees. Powers of mayor.

SEC. 3. That the council of any incorporated village shall have power to provide by ordinance for the punishment of persons disturbing the good order and quiet of the village by clamor and noise in the night season, by intoxication, drunkenness, fighting, using obscene and profane language in the streets, or other public places, to the annoyance of its citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior; and they shall have power in like manner to provide for the punishment of disturbers of the peace, common prostitutes, pickpockets, burglars, and thieves, watch-stuffers, and persons practicing any trick, or game, with intent to swindle, and persons who abuse their families, and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: Provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor for the first offense shall not exceed thirty days, and for the second or any further repetition of the same offense, not exceeding sixty days. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the cost of prosecution, shall be imprisoned and kept at hard labor, until, at the rate of one dollar for each day's labor, exclusive of Sundays, they shall have earned an amount equal to such fines and costs, but not to exceed the time above named. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the proprieties due to age and sex, and a just regard to the health of the prisoners. Council may pass ordinances to preserve public peace and punish offenders. Quality of punishment. Limitations. Unpaid fines. Penalty.

SEC. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section eleven of the act for the relief of the families of soldiers and marines in the state and United States service, passed February 25, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the said act be so amended as to read as follows:

Commissioners required to borrow money; limitation. Transfer of funds; school funds excepted How money repaid. Section 11. To anticipate the receipts which may come into the county treasuries, by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate four-fifths of their proportion of the tax levied by this act, and may to that extent, temporarily transfer money from any other fund, except the school fund. The money so borrowed shall be repaid with interest, not exceeding six per cent. per annum, out of the relief fund, when paid into the county treasury. **Definition of "family."** The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, dependent parent or parents, sister or sisters: **Proviso.** Provided, however, that such reasonable proportion of said fund shall be appropriated and applied, under the restrictions and limitations aforesaid, to the relief of indigent and dependent soldiers and marines within the several counties, who, by reason of disease contracted, or wounds received in said service, are unable to support themselves.

Repeal. SEC. 2. This act to take effect from its passage; and said original section of said act is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem., of the Senate.

March 31, 1864.

AN ACT

Amendatory and supplementary to an act passed April 5th, 1856, entitled "an act to amend an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852," and the several acts amendatory thereof, and supplementary to said acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council in cities referred to in the first section of the act to which this is amendatory and supplementary, and cities of the second class having a population of over thirteen thousand inhabitants at the last federal census, shall, for the purpose of paying the value of any land or lands, lot or lots, which may be taken or appropriated for the purpose of laying off, opening, extending or widening any street, alley, public highway, public grounds, wharf, landing place, or market space, in addition to the power already conferred on them for that purpose, have power to assess and collect a charge on the owner or owners of any lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, or on the lots or lands through or by which such street, alley, public highway, public ground, wharf, landing place, or market space shall pass, accord-

Powers in relation to lands or lots taken.

ing to benefits. In all cases where said city council shall determine to pay said value by an assessment according to benefits, the board of city improvements of said city, or in cities of the second class, three disinterested property holders, to be appointed by the city council of said city, shall report to the city council an estimated assessment of such value on such lots or lands abutting on such street, alley, public highway, public ground, wharf, landing place, and market space, as will be benefitted thereby, in proportion, as nearly as may be, to the benefits which may result to such parcel or lot of land, a copy of which assessment shall be placed on file in the office of the city clerk, and before the city council shall adopt such assessment, three weeks notice shall be given by publishing in the official newspaper of the city that such assessment has been made, and that the same is on file in the office of the city clerk of said city, for the inspection and examination of any person interested therein. Any person having objections to such assessment, shall file their objections, in writing, with the city clerk within two weeks after the expiration of said notice, and if objection shall be made thereto, the city council shall appoint three disinterested freeholders of the city as an equalizing board, and on a day appointed by the city council for that purpose, the said board, after taking oath before the mayor or other proper officer, honestly and impartially to discharge their duties, shall hear and determine all objections to the assessment, and shall equalize the same, as they shall think proper, which equalized assessment they shall report to the city council, who shall have power to confirm the same, or set the same aside and cause a new assessment, and appoint a new equalizing board of the same qualifications, who shall proceed in the same manner above provided, and when such assessment is confirmed by the city council the same shall be complete and final. The assessment shall be transferable and collectable against the owners personally, or by an enforcement of the lien upon the property assessed, and such proceedings shall be had for the collection and enforcement of said assessment as in other cases of street improvement by special assessment.

Assessment.

Proceedings.

Equalizing board.

A concurrence of two-thirds of the members of the city council shall be necessary in appointing such equalizing board, and confirming such assessment.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro. tem. of the Senate.

March 31, 1864.

AN ACT

For the relief of debtors in the military and naval service of this state or o the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a party against whom a judgment or order has been or shall be entered without defense made, whilst such party was, or may be, in the actual military or naval service of the United States, or of this

Party may open up judgment or order

within one year after discharge. Proceedings.

state, may, at any time within one year after his final discharge from said service, have the same opened up and be let in to defend. Before the judgment or order shall be opened, the applicant shall give notice to the adverse party of his intention to make such application, shall file a full answer to the petition, pay all costs, if the court require them to be paid, and make it appear to the satisfaction of the court, by affidavit, that during the pending of the action, he was actually in the military or naval service of the state or of the United States. The adverse party on the hearing of an application to open judgment or order, as provided by this section, shall be allowed to present counter affidavits to show that during the pendency of this action the applicant was not actually in the military or naval service of the United States or of this state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To provide for the payment of certain claims, and incidental expenses.

Appropriation

Gen. assembly

Brownell.

Patterson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and is hereby appropriated out of any money in the state treasury for general revenue purposes, in the year 1864, for the payment of expenses incidental to this session of the general assembly to be paid on the certificate of the sergeant-at arms of the respective houses, one hundred dollars; for the payment of balance due L. R. Brownell, allotment agent, two hundred and thirty-six dollars and seventy-five cents; for the payment of the mileage of Jefferson Patterson, a member of the house of representatives, of Montgomery county, at the adjourned session of the general assembly of this state, of 1863, twenty-two dollars and forty cents, to be paid to his administratrix.

SEC. 2. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize cities of the first class having a population of less than one hundred thousand, to fund their floating indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population less than one hundred thousand, at the last federal census, for the purpose of paying any floating indebtedness of such city here-

tofore incurred, shall have the power to issue the bonds of such city, payable at such time as the city council may determine, not exceeding twelve years, and redeemable at any time after six years, at the pleasure of the council, bearing interest not exceeding six per cent. per annum, payable semi-annually, and when such bonds shall have been issued, a tax shall be levied and collected, sufficient in amount to provide a sinking fund for their redemption as they come due, and the interest thereon, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May, 1852, which shall be appropriated to the payment of such bonds and interest, and to no other purpose: Provided, that the whole amount of bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars: Provided, also, that the bonds hereby authorized to be issued shall not be sold at less than the par value thereof.

Power to issue bonds.

Tax for redemption.

Proviso.

Sec. 2. That if the city council of any such city, or any officer or officers thereof, shall knowingly divert or appropriate either such bonds or the proceeds thereof, or the tax or sinking fund raised under this act, to any other purpose than that to which they are by this act appropriated, every such person, on conviction, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail not less than twenty days nor more than six months, or both, at the discretion of the court.

Penalty.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To authorize the appraisal and sale of lands belonging to the state of Ohio.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works cause to be appraised by some suitable person in each county where the land is located, all lands at or adjacent to the public works of the state, not including the lands covered by the Mercer county and Lewistown reservoirs, and the lands necessary to carry out the contract leasing the public works, excepting such lands as have been heretofore appraised, and report the same to the auditor of state on or before the first day of September next, together with a proper description of said lands, and for this purpose the board of public works are authorized to employ a competent surveyor.

Appraisement Board public works.

Sec. 2. That the auditor of state be required to appoint a suitable person or persons in each county where the land is located, to appraise all the lands belonging to the state, not including the lands specified in section one of this act, but including the lands described in the report of the auditor of state for the year 1863, as being in the counties of Defiance, Paulding and Franklin, and all other lands which the said auditor of state may ascertain as belonging to the state.

Appraisement auditor of state.

Sec. 3. That as soon as the appraisal of the lands described in

Auditor state may sell lands

sections one and two of this act shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same for cash, at a sum not less than the appraised value, and all sums arising from the sale of said lands, shall be paid into the treasury of the state to the credit of the sinking fund: Provided, that the lot of land described as the stone quarry in survey number 2668, shall not be sold until directed by the general assembly. And, provided further, that the auditor of state cause said lands to be offered at public sale at the door of the court house in each of said counties wherein the lands lie, and shall cause public notice of said sale to be published in a newspaper printed in each of said counties or of general circulation therein, for five consecutive weeks immediately preceding said sale, and if said lands shall not sell at public sale, then the auditor of state may sell at private sale, and in no case shall the lands be sold for less than the appraised value thereof.

Proviso.

SEC. 4. That for the purpose of defraying the expenses of the appraisal of said lands, the sum of five hundred dollars be and is hereby appropriated to be paid out of any money in the treasury belonging to the general revenue not otherwise appropriated, to be paid on the certificate of the auditor of state, and the president of the board of public works respectively.

Appropriation

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To amend section fourteen of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858.

S. & C. 670.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858, be amended so as to read as follows:

SEC. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit:

Duties of guardians of minors.

1. To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him, and appoint a successor.

2. To manage the estate for the best interests of his ward.

3. To render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty

days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable.

4. At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

5. To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and in case of doubtful debts to compound the same, and appear for and defend, or cause to be defended, all suits against such ward.

6. When any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education, as the amount of his estate may justify.

7. To loan or invest the money of his ward in a reasonable time after he receives it, and the payment of the money loaned or invested shall be secured by a mortgage on real estate of double the value of the money loaned, exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state, or the bonds or certificates of the funded debt of the United States: Provided, that said guardian shall in all cases be held to account for all premiums realized upon coin received by him, as interest or otherwise. And if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests.

8. To obey and perform all the orders and judgments of the proper courts touching the guardianship.

Repeal

SEC. 2. Original section fourteen of said act concerning the relation of guardian and ward, is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

AN ACT

To provide for redeeming the bills of the Seneca county bank.

WHEREAS, On the 1st day of March, 1857, when the Seneca county bank failed, it had bonds deposited with the treasurer of this state, as security for its circulating notes, amounting to the sum of two hundred nine thousand six hundred and forty-eight dollars. Of these bonds, the sum of one hundred and three thousand dollars was, without authority of law, appropriated to the use of the state, and to that amount and the interest thereon, the state was indebted to said bank, and to the holders of its bills; and, whereas, the state did redeem the bills of said bank at par to the amount of one hundred thousand eight hundred and seventy-nine dollars;

And, whereas, there was afterwards deposited with the receivers of said bank, bills of the same amounting to the sum of fifty-four thousand

the state printing to be directed to report to the senate and house, at his earliest convenience, the surplus number of laws, journals and documents printed last year, if any.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 17, 1864.

JOINT RESOLUTION.

Resolution instructing the clerk of the house to prepare a copy of the resolution of thanks passed by the general assembly, January 15.

Resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives be instructed to have immediately prepared a copy of the resolution of thanks to Governor David Tod, passed by this general assembly.

Resolved, That a committee of three from the house and two from the senate be appointed to present the same to the governor, in the name of the general assembly of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 17, 1864.

JOINT RESOLUTION,

Granting the use of the state library to ministers of the gospel.

Resolved by the General Assembly of the State of Ohio, That the free use of the state library be and it is hereby tendered to the ministers of the gospel of the city of Columbus, for two years, from the first Monday of January, 1864.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 19, 1864.

JOINT RESOLUTION,

Relative to an adjourment to visit the N. O. sanitary fair.

Resolved by the General Assembly of the State of Ohio, That for the purpose of giving the members of the general assembly an opportunity to visit the N. O sanitary fair, at Cleveland, Ohio, that when this general Assembly adjourns on Saturday the 20th inst., it adjourn to Tuesday, February 23d, 1864, at 2½ o'clock P. M.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

February 20, 1864.

JOINT RESOLUTION,

Relative to printing the law for the relief of soldiers' families.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be directed to have published, for the use of the members of the general assembly, three thousand copies of the law for the relief of soldiers' families.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

February 29, 1864.

JOINT RESOLUTION,

Relative to a vote of thanks to the officers and citizens of Cleveland and the managers and ladies of the northern Ohio sanitary fair.

Resolved by the General Assembly of the State of Ohio, That we tender our thanks to the officers and citizens of Cleveland for their generous hospitality to us while in their beautiful city attending the inauguration of the northern Ohio sanitary fair.

2d. That we also tender thanks to the managers of the fair for many marks of kindness and respect, and for the opportunity to witness and participate in their most appropriate celebration of the 22d of February, by mingling with the immortal memories of the past, the living glories of our own heroic times.

3d. That we respectfully offer our most grateful acknowledgments to the ladies of the northern Ohio sanitary fair for the luxurious feast served by their hands, and for the pleasure of beholding the elegant products of their industry and taste so profusely displayed throughout the exhibition, and especially in the wonderful floral hall, where the warmth of woman's heart, inspired by patriotism and humanity has wakened spring in winter's lap.

Resolved, That copies of the foregoing resolutions be forwarded by the president of the senate and speaker of the house of representatives to the proper persons at Cleveland.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 1, 1864.

JOINT RESOLUTION,

Relative to directing the committees on agriculture and universities and colleges, of both houses, to visit farmers' college.

WHEREAS, The trustees and stockholders of farmers' college of Hamilton county have offered to donate to the state their entire property for the establishment of a college as contemplated by the congressional grant of lands for the endowment of colleges, approved July 2, 1862, therefore

Resolved by the Senate and House of Representatives, That the committees on agriculture and universities and colleges, in both houses, be authorized and directed to visit the premises of said college, and report to this general assembly at as early a day as practicable the results of their examination.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 10, 1864.

JOINT RESOLUTION,

Relative to increase of duty on foreign wool.

Resolved by the General Assembly of the State of Ohio, That the best interests of the state of Ohio demand that there should be an increase of duty on importations of foreign wool.

And that our senators and representatives in congress of the United States be requested to insist on and endeavor to secure an increase of duty on such importations.

And be it further Resolved, That the governor of Ohio be requested to forward a copy of the foregoing resolutions to each of our senators and representatives in congress.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 10, 1864.

JOINT RESOLUTION,

Authorizing the secretary of state to furnish copies of Swan & Critchfield's statutes when lost.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized to furnish Swan & Critchfield's statutes of Ohio to any officer entitled by law to a copy of them, upon satisfactory proof being given to said secretary by affidavit of applicant or otherwise, that the copy of said statutes which had been delivered to his predecessor or himself, had been lost or destroyed without the fault or negligence of the party making application therefor; Provided, that the secretary of state shall retain on hand two hundred copies for the use of the general assembly and the officers of state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 14, 1864.

JOINT RESOLUTION,

Requiring the trustees and superintendent of the central lunatic asylum to report in relation to certain improvements and buildings.

Resolved by the General Assembly of the State of Ohio, That the trustees and superintendent of the central lunatic asylum report at their earliest convenience by what authority and under what law large and permanent additions have been made to said asylum, and the extent, cost, and object thereof; from what sources the money has been derived; the general authority so received; when received; and to what object applied; upon whose authority; what debt, if any, remains upon the work done; whether the same is finished; if not, what amount of money is required to finish the work?

That the clerk of the house forthwith forward a copy of this resolution to the superintendent and trustees of said asylum.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 14, 1864.

JOINT RESOLUTION,

Relative to the death of Hon. James Gamble, of the board of public works.

WHEREAS, It has pleased Almighty God to remove from our midst the Hon. James Gamble, a member of the board of public works of the state of Ohio, and ex-member of the house of representatives, therefore be it

Resolved by the General Assembly of the State of Ohio, That there be appointed a committee of five on the part of the house, and three on the part of the senate, to accompany the remains of the deceased to the town of Coshocton, in Coshocton county, for interment.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

JOINT RESOLUTION,

Relative to printing report of the commissioners of state library.

WHEREAS, there has been printed, this year, of the report of the commissioners of state library, only 225 copies, which is insufficient to meet the wants of the state librarian and general assembly; therefore,

Resolved by the General Assembly of the State of Ohio, That 275 additional copies be printed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

JOINT RESOLUTION,

Relative to printing the report of the commissioner of statistics.

Resolved by the General Assembly of the State of Ohio, That there be printed five thousand copies of the report of the commissioner of statistics, in the English language; for the use of the commissioner of statistics, one hundred copies; for the secretary of state, fifty; for the state librarian, three hundred copies; and the remaining copies to be distributed by the members of the general assembly; and that one thousand copies be printed in the German language, to be distributed by the members of the general assembly; the copies for the use of the commissioner, secretary of state, and librarian, and one thousand copies for the use of the members of the general assembly, to be bound in muslin, and the remaining copies to be put up half-binding.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

JOINT RESOLUTION,

Relative to printing the report of commissioner of immigration.

Resolved by the General Assembly of the State of Ohio, That twenty-five hundred copies in English, and one thousand copies in German, of the report of the commissioner of immigration, be printed; five hundred in English, and two hundred in German, for the use of the commissioner, and the remainder for the use of the members of the general assembly.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 23, 1864.

JOINT RESOLUTION,

Relative to the sisters of charity, and other associations that have labored for the relief of soldiers.

Resolved by the General Assembly of the State of Ohio, That the sisters of charity, and all other associations of our countrywomen, both religious and secular, whose labors of benevolence and humanity have been extended to our soldiers, in the hospitals and on the field of battle, deserve the commendation of the loyal, and the gratitude of the country.

JAMES R. HUBBELL,
Speaker of the House of Representatives
CHARLES ANDERSON,
President of the Senate

March 23, 1864.

JOINT RESOLUTION,

Relative to a day of thanksgiving and prayer.

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized and requested, in the course of the present year, to issue his proclamation, designating a day of public thanksgiving and prayer to Almighty God, for his continued blessings vouchsafed to the people of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

JOINT RESOLUTION,

Relative to authorizing the superintendent of the state house to construct a well, to supply the building with water.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house be and he is hereby authorized to have constructed, under his direction, at some safe and convenient point near the heating apparatus, in the state house

basement, a well, of sufficient capacity to supply such amount of water as the necessities of the building may require.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 24, 1864.

JOINT RESOLUTION,

Relative to allowing the use of state library to the reporters of the daily newspapers.

Be it resolved by the General Assembly of the State of Ohio, That the reporters of this legislature, for the several daily papers of this state, be and they are hereby entitled to the free use of the state library.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 25, 1864.

JOINT RESOLUTION,

Relative to printing 5,000 additional copies of the report of the superintendent of the state house.

Resolved by the General Assembly of the State of Ohio, That there be printed 5,000 additional copies of the report of the superintendent of the state house, for the use of the general assembly.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.

JOINT RESOLUTION,

Relative to the amendment of the fifteenth joint rule.

Resolved by the General Assembly of the State of Ohio, That the fifteenth joint rule be so amended as to provide that the joint committee of enrollment shall consist of three members from each house, and that any three of said committee shall be authorized to perform the duties which devolve upon said committee: provided, there shall be one from each house.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 28, 1864.]

JOINT RESOLUTION,

Relative to forwarding public documents to members of the senate and house.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and directed to forward to the members of the senate and house their proportion of reports, severally, together with all other printed matter to which they are entitled, and which will not have been distributed at the close of the present session; the expense to be paid out of the contingent fund of the secretary of state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

JOINT RESOLUTION,

Relative to printing the act to organise and discipline the militia.

Resolved by the General Assembly of the State of Ohio, That five thousand copies in English, and two thousand copies in the German language, of the act to organise and discipline the militia of the state of Ohio, and to repeal an act therein named, be printed in advance of other printing, for the use of members of this general assembly; and that two thousand copies thereof be printed for the use of the adjutant-general of the state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
CHARLES ANDERSON,
President of the Senate.

March 30, 1864.

JOINT RESOLUTION,

Relative to the use of state land for asylum building for idiots.

Be it resolved by the General Assembly of the State of Ohio, That the trustees of the asylum for idiots are hereby authorised, and in their discretion may use as a site for the new asylum building, the state farm west of the Scioto river. But the permission so granted shall not be construed to be an expression, on the part of the general assembly, that the institution ought to be located in or near the city of Columbus.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

JOINT RESOLUTION,

Relative to adjournment.

Resolved by the General Assembly of the State of Ohio, That the general assem-

bly will adjourn on the 31st day of March, 1864, to meet again on the first Tuesday of January, 1865, at 10 o'clock A. M.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 30, 1864.

JOINT RESOLUTION,

Relative to the appointment of a special agent to investigate the condition of the Sandusky, Dayton and Cincinnati Railroad Company.

Resolved by the General Assembly of the State of Ohio, That the governor be and is hereby authorized and empowered to appoint a special agent (by and with the advice and consent of the senate), who shall be and is hereby authorized and empowered to investigate the condition of the Sandusky, Dayton and Cincinnati railroad company, and to enter into the proposed compromise or arrangement between the stockholders thereof and its creditors, or to sell either the bonds or stock held by the state in said road, or both, on such terms as he may deem best for the interest of the state, and if a sale shall be made, to deposit the proceeds thereof with the treasurer of state, to the credit of the sinking fund: provided, however, before any such compromise shall be perfected, or sale concluded, the terms thereof shall be submitted to the commissioners of the sinking fund, and approved by them.

JAMES R. HUBBELL,
Speaker of the House of Representatives,
CHARLES ANDERSON,
President of the Senate.

March 31, 1864.

JOINT RESOLUTION,

Relative to Hamilton Cummings' contract.

Resolved by the General Assembly of the State of Ohio, That the time within which the duties devolved upon the attorney-general, by joint resolution adopted April 30, 1862, relative to Hamilton Cummings' contract for painting and glazing the state house, be extended to the first day of the next session of the general assembly: provided, that before any suit shall be brought against said Cummings, he shall execute to the state of Ohio a bond, with approved security, for the payment of all costs that may be adjudged against him; and provided further, that the said Cummings shall submit himself to be sued in the superior court of Franklin county.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION,

Rescinding resolution passed May 13, 1861, relative to amending the constitution of the United States.

WHEREAS, on the thirteenth day of May, A. D. 1861, the following joint resolution was adopted by the general assembly of the state of Ohio, to wit:

"WHEREAS, the general assembly has received official notification of the passage, by both houses of the thirty-sixth congress, second session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof:

"Recital: 'Joint resolution to amend the constitution of the United States—That the following article shall be proposed to the legislatures of the several states, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as part of the said constitution, viz: Article XIII. No amendment shall be made to the constitution which will authorize or give congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state;' and

"WHEREAS, three-fourths of the legislatures of the said states composing the United States, are required to give assent to said proposed amendment of the constitution of the United States, before it becomes a part thereof; therefore, be it

"*Resolved by the General Assembly of the State of Ohio*, That we hereby ratify, in behalf of the state of Ohio, the above-recited proposed amendment of the constitution of the United States.

"*Resolved*, That a certified copy of the foregoing preamble and resolution be forwarded by the governor to the president of the United States, with the request that he lay the same before congress when it convenes."

AND WHEREAS, this generous effort at pacification and reunion has met with no response by these rebellious states or people, but, on the contrary thereof, they have perversely and wickedly held out in their effort to build up their institution of slavery upon the ruin of our national government;

AND WHEREAS, the supposed necessity for such an amendment to the constitution has been removed by the events of the war for the preservation of the Union, and the continuance of such a resolution in force as the expression of the public sentiment of the people of this state, is an impediment to the free action of congress in the present exigencies of the country, as well as a misrepresentation of the public sentiment of the people of Ohio, and contrary to the spirit of the age;

Resolved by the General Assembly of the State of Ohio, That the above-recited resolution be and the same is hereby rescinded.

Resolved, That the governor be requested to forward a certified copy of these resolutions to the president of the United States, and also to each of the governors of the respective states.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION,

Relative to requesting Congress to make provision for relieving the destitute people of East Tennessee.

WHEREAS, We are informed and believe that suffering for food and clothing exists to an alarming extent among the inhabitants of East Tennessee, and

WHEREAS, In consequence of such destitution and distress, the government is now furnishing to such sufferers transportation to the border cities of northern states, and they are daily arriving in large numbers, and thrown upon the private charities of the citizens thereof, therefore,

Resolved by the General Assembly of the State of Ohio, That our senators in congress are instructed, and our representatives requested to use their influence to enact proper laws, and have the general government make necessary provision to feed, clothe, and fully provide for such destitute persons as are furnished with transportation by the government, and thrown without any means of support upon our border states and the cities of this state.

Resolved, That the governor be and he is hereby requested to forward a copy of this preamble and resolutions to each of our senators and representatives.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION,

Relative to disciplining and equipping the military force of this state.

Resolved by the General Assembly of the State of Ohio, That in their opinion the public safety requires the immediate organization, and thorough disciplining and equipment of an efficient military force for state defense; and the governor is hereby requested to forthwith employ the authority vested in him by the constitution and laws, necessary to effect this end.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION,

Relative to mobs.

Resolved by the General Assembly of the State of Ohio, That this general assembly disapprobate mobs of all kinds and for any purpose whatsoever, and call upon the civil and military officers of the state and federal government to use all their powers to prevent the occurrence of these riotous demonstrations, and to bring the perpetrators to merited justice.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION.

Relative to designing, ambitious traitors.

WHEREAS, Designing, disappointed, ambitious traitors have plunged our country into civil war, without a just cause, disregarding all the moral and social obligations of the country, causing untold miseries and the sacrifice of thousands of Ohio's brave and noble sons, and

WHEREAS, a republican form of government rests largely upon the consent of the governed, and in war can only be supported and maintained by a cordial and hearty co-operation of its citizens, and

WHEREAS, certain public journals, published within this state and extensively circulated, have been and now are publishing treasonable and incendiary articles and communications, thereby endeavoring to alienate and destroy public confidence in the ability of the federal government to suppress the rebellion, and slanderous towards those engaged in its suppression, and

WHEREAS, all such acts of disloyalty are but another means of giving aid and comfort to the enemy of our common country, contrary to the true spirit of our institutions, and

WHEREAS, in consequence of such oft-repeated publications, the loyal people of the state have felt themselves aggrieved, slandered, and their feelings outraged, thereby resulting in violence, bloodshed, sacrifice of life and destruction of property, therefore,

Be it Resolved by the General Assembly of the State of Ohio, That the constitution and laws of the state provide for a government of legislative, judicial and executive departments, with ample power to protect and defend the rights of the people, maintain the authority and execute the laws.

Resolved, That we the representatives of the people, learn with regret and mortification of this mob violence, either in individual or collective capacity, and feeling that such lawless acts deserve the condemnation of all loyal, order-abiding citizens, ask that the people of the state, to the utmost of their moral and physical power, stand by the enforcement of the laws, through the constituted and appointed authorities, for the prevention of such occurrences in the future.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION.

Relative to binding and preserving in the State Library copies of the bills introduced in the House and Senate during the present session.

Resolved by the General Assembly of the State of Ohio, That the state librarian be, and he is hereby instructed and required, to have bound and preserved in the library, for future reference, two copies of the printed bills introduced in the senate and house during the present session.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March 31, 1864.

JOINT RESOLUTION.

Relative to the chief clerks of the two houses preparing a list of bills, &c.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the two houses be and they are hereby authorized and instructed, as soon as practicable after the close of the present session, to prepare a list of the bills introduced in each house, showing the condition and disposition of the bills; and that the secretary of state cause the same to be printed, and two copies thereof to be transmitted by mail to each member of the general assembly and the president of the senate.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
S. HUMPHREVILLE,
President pro tem. of the Senate.

March, 31 1864.

SECRETARY OF STATE'S OFFICE,
Columbus, O., May 15, 1864.

I hereby certify that the foregoing general and local laws and joint resolutions are correctly copied from the original rolls on file in this office.

W. W. ARMSTRONG,
Secretary of State.

ES OF HOLDING COURTS.

OFFICE OF SECRETARY OF STATE,
Columbus, O., Dec. 8, 1863.

I certify that the following list of the Times of holding the District Courts and Courts of Common Pleas in the State of Ohio, for the year 1864, is correctly compiled from the returns made to this office.

W. W. ARMSTRONG,
Secretary of State.

FIRST DISTRICT.

DISTRICT COURT.

Hamilton, on the third Monday of April, and on the first Monday of October.

COMMON PLEAS.

Hamilton, on the first Monday of January, on the first Monday of June, and on the first Monday of November.

SECOND DISTRICT.

DISTRICT COURT.

Darke, April 26th; Preble, May 2d; Butler, May 9th; Montgomery, May 18th; Miami, May 20th; Champaign, May 23d; Clark, May 25th; Greene, May 28th; Warren, June 2d; Clinton, June 6th.

COMMON PLEAS.

Butler, February 15th, June 6th, October 24th.
Darke, February 15th, June 13th, October 24th.
Preble, March 7th, August 8th, November 21st.
Champaign, February 15th, June 6th, October 24th.
Montgomery, March 7th, June 13th, November 14th.
Miami, April 4th, June 27th, December 5th.
Clinton, February 15th, June 20th, October 3d.
Warren, March 21st, July 18th, November 21st.
Clark, March 21st, July 18th, November 28th.
Greene, February 15th, June 13th, October 17th.

THIRD DISTRICT.

DISTRICT COURT.

Logan, August 3d; Hardin, August 4th; Marion, August 6th; Union, August 2d; Crawford, August 8th; Wyandot, August 9th; Seneca, August 24th; Hancock, August 26th; Allen, August 10th; Auglaize, August 11th; Shelby, August 12th; Mercer, August 13th; Van Wert, August 15th; Paulding, August 16th; Defiance, August 17th; Henry, August 18th; Fulton, August 20th; Williams, August 22d; Wood, August 19th; Putnam, August 27th.

COMMON PLEAS.

Union, February 8th, April 11th, September 26th,
Hardin, January 18th, March 28th, September 12th.
Marion, January 11th, March 21st, September 5th.
Logan, February 15th, April 18th, October 17th.
Shelby, January 25th, April 4th, September 19th.
Auglaize, February 2d, April 12th, September 27th.
Allen, February 23d, April 26th, October 18th.
Mercer, March 15th, May 17th, November 8th.
Van Wert, February 16th, April 19th, October 11th.
Putnam, March 8th, May 10th, November 1st.
Paulding, April 5th, ————, October 18th.
Defiance, January 25th, May 2d, October 4th.
Henry, February 2d, May 10th, October 25th.
Fulton, February 9th, May 17th, November 1st.
Williams, February 16th, May 24th, November 8th,
Wood, March 1st, May 31st, November 22d.
Seneca, March 1st, July 19th, November 22d.
Hancock, February 16th, May 31st, November 7th.
Wyandot, January 19th, May 10th, October 12th.
Crawford, February 2d, May 17th, October 25th.

FOURTH DISTRICT.

DISTRICT COURT.

Erie, May 2d; Huron, May 6th; Lucas, April 18th; Sandusky, April 25th; Ottawa, April 26th; Lorain, August 29th; Medina, September 1st; Summit, September 5th; Cuyahoga, September 8th.

COMMON PLEAS.

Erie, February 1st, May 23d, October 3d.
Huron, February 22d, June 20th, November 7th.
Lucas, February 22d, May 23d, October 3d.
Sandusky, February 8th, May 9th, October 17th.
Ottawa, March 15th, June 7th, October 25th.
Lorain, January 26th, May 3d, October 18th.
Medina, February 16th, May 24th, November 8th.
Summit, March 1st, June 7th, November 22d.
Cuyahoga, February 8th, May 16th, November 7th.

FIFTH DISTRICT.

DISTRICT COURT.

Madison, May 5th; Franklin, May 6th; Pickaway, May 10th; Fayette, May 12th; Highland, September 27th; Adams, September 29th; Brown, October 1st; Clermont, October 4th; Ross, October 6th.

COMMON PLEAS.

Adams, February 23d, July 12th, October 18th.
Brown, March 8th, July 26th, November 1st.
Clermont, March 22d, August 9th, November 15th.
Highland, March 15th, June 7th, October 12th.
Ross, February 16th, May 17th, November 8th.
Fayette, March 29th, June 21st, October 25th.
Franklin, February 29th, May 16th, November 8th.
Pickaway, April 5th, June 21st, October 25th.
Madison, April 18th, July 6th, October 12th.

SIXTH DISTRICT.

DISTRICT COURT.

Holmes, June 7th; Wayne, June 9th; Ashland, June 13th; Richland, June 14th: Morrow, June 18th; Delaware, June 21st; Knox, June 24th; Licking, June 28th; Coshocton, July 2d.

COMMON PLEAS.

Knox, February 2d, April 5th, October 18th.
Licking, February 23d, August 2d, November 8th.
Delaware, March 15th, April 18th, November 29th.
Morrow, February 9th, April 12th, October 18th.
Ashland, March 1st, August 2d, November 8th.
Richland, March 15th, August 16th, November 22d.
Holmes, February 9th, May 17th, November 8th.
Wayne, February 23d, August 9th, November 22d.
Coshocton, March 14th, August 22d, December 19th.

SEVENTH DISTRICT.

DISTRICT COURT.

Washington, April 18th; Meigs, April 20th; Gallia, April 22d; Lawrence, April 25th; Scioto, April 27th; Pike, April 29th; Vinton, May 2d; Perry, September 5th; Fairfield, September 7th; Hocking, September 10th; Athens, September 12th; Jackson, September 15th.

COMMON PLEAS.

Perry, March 14th, May 23d, October 17th.
Hocking, February 22d, May 16th, October 3d.
Fairfield, March 28th, June 6th, November 7th.
Lawrence, February 9th, May 10th, September 20th.
Vinton, February 9th, May 10th, September 20th.

Jackson, February 23d, May 24th, October 18th.
Pike, March 8th, June 7th, November 1st.
Scioto, March 15th, June 14th, November 15th.
Washington, February 16th, May 17th, September 26th.
Athens, February 25th, May 26th, October 12th.
Meigs, March 7th, June 6th, October 24th.
Gallia, March 14th, June 13th, October 31st.

EIGHTH DISTRICT.

DISTRICT COURT.

Muskingum, September 1st; Morgan, September 5th; Noble, September 7th; Monroe, September 9th; Belmont, September 12th; Guernsey, September 15th; Tuscarawas, September 19th; Harrison, September 22d; Jefferson, September 24th.

COMMON PLEAS.

Muskingum, February 15th, May 16th, October 24th.
Morgan, March 15th, June 14th, October 12th.
Noble, April 5th, July 5th, October 4th.
Monroe, February 9th, May 3d, October 12th.
Belmont, February 25th, May 17th, November 9th.
Guernsey, March 15th, June 7th, October 25th.
Tuscarawas, February 16th, May 30th, October 24th.
Harrison, February 1st, May 16th, October 10th.
Jefferson, February 29th, June 13th, November 7th.

NINTH DISTRICT.

DISTRICT COURT.

Portage, April 26th; Trumbull, April 27th; Lake, May 2d; Geauga, May 4th; Ashtabula, May 5th; Stark, August 16th; Carroll, August 18th; Columbiana, August 20th; Mahoning, August 23d.

COMMON PLEAS.

Carroll, February 2d, May 10th, August 30th.
Columbiana, February 15th, May 17th, September 13th.
Stark, February 29th, May 30th, November 15th.
Mahoning, January 25th, May 9th, August 29th.
Portage, February 15th, May 30th, September 12th.
Trumbull, February 29th, June 13th, November 14th.
Lake, January 4th, April 4th, August 29th.
Geauga, January 18th, April 18th, September 26th.
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